

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.Nos.37092 of 2015

M.Kannan

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.

2. The Director of Elementary Education,
DPI Compound,
Chennai-600 006.

3. The District Elementary
Education Officer,
Tiruppur.

4. The Assistant Elementary
Education Officer,
Kundadam, Tiruppur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of mandamus, directing the respondents to upgrade the post of secondary Grade Assistant, held by the petitioner to that of B.T.Assistant as he was holding Graduate Teacher qualifications on the date of his initial appointment and confer consequential service and monetary benefits, by considering his representation dated 12.07.2015.

For Petitioner : Mr.G.Amalraj

For Respondents : Mr.N.Srinivasan,
Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Secondary Grade Teacher, vide order dated 05.08.1997 by the District Elementary Educational Officer, Erode, after his name was sponsored by the jurisdictional Employment Exchange and he was posted to the Panchayat Union Elementary School, Manoorpalayam Gundam Union. According to the petitioner, he has undergone Child Psychology for a period of one month in the District Institution of Educational Training, in terms of G.O.Ms.No.113, School Education [S1] Department dated 14.03.1997. The petitioner would state that the Government has passed orders in G.O.Ms.No.100, School Education Department, dated 27.06.2003 appointing Junior Secondary Grade Teachers on a consolidated pay and subsequently it was abolished by G.O.Ms.No.99, School Education [Budget 2] Department dated 27.08.2006 and a further decision was also taken to bring those teachers who were appointed on contract basis to regular time scale of pay applicable to various categories of teachers with effect from 01.06.2006. The petitioner would state that after rendering 12 years of service as Secondary Grade Teacher, he was promoted as Graduate Teacher [English] with effect from 27.11.2006 and his grievance appears to be that the persons who are similarly placed, who were appointed as Secondary Grade Teachers in the year 1997, were given promotion after relaxing the conditions imposed at the time of their initial appointments in the year 1997 and the petitioner has not been conferred with such a benefit. In this regard, the petitioner submitted a representation dated 12.07.2015 to the 2nd respondent and since no orders have been passed, the petitioner came forward to file this writ petition.

3.Learned counsel for the petitioner would submit that this Court, in similar facts and circumstances, vide order dated 28.07.2009, had directed the respondents 1 and 2 in WP.No.14505/2009 to dispose of the representations submitted by the petitioners therein and it was also followed by G.O.Ms.No.336, School Education Department dated 30.12.2009 and prays that in the light of the same, the petitioner's representation may be disposed of.

4.This Court heard the submissions Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. This Court, in the light of above facts and circumstances, permits the petitioner to submit one more representation to the second respondent by enclosing a copy of this order as well as copy of his earlier representation within a period of two weeks from the date of receipt of

a copy of this order. The second respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken by him to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Government of Tamil Nadu
Represented by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.

2. The Director of Elementary Education,
DPI Compound,
Chennai-600 006.

3. The District Elementary Education Officer,
Tiruppur.

4. The Assistant Elementary Education Officer,
Kundadam, Tiruppur District.

+ 2 ccs to M/s. G. Punniyakoti, Advocate sr.63087

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PPA(CO)
EU 17.02.16

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