

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38472 of 2016

1. R.Saroja
2. P.Rajeswari
3. M.Vijayakumari
4. A.Santhanalakshmi
5. M.Vasanthala
6. R.K.Ramasamy
7. S.Magdalane Mary
8. R.Edwidges

... Petitioners

vs.

1. The Government of Tamil Nadu
rep. by the Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
Trichy, Trichy District. ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to treat the respective service rendered by the petitioners in the Higher Grade Teacher Post as service rendered in the Secondary Grade Teacher Post and award all attendant benefits in the light of the orders passed in W.P.No.22799 of 2013 dated 20.08.2013.

For Petitioners : Mr.P.Rajendran

For Respondents : Mr.V.Anandhamoorthy, Addl.G.P.

ORDER

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

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to treat the respective service rendered by the petitioners in the Higher Grade Teacher Post as service rendered in the Secondary Grade Teacher Post and award all attendant benefits in the light of the orders passed in W.P.No.22799 of 2013 dated 20.08.2013.

3. The case of the petitioners is as follows:

(a) All the petitioners were initially appointed as Higher Grade Teachers even though they were qualified to be appointed as Secondary Grade Teachers. The date of appointment as Higher Grade Teacher, the date of appointment as Secondary Grade Teacher and the post, the date of retirement and the school where they worked last at the time of their retirement are given below:

S 1. No	Name	Date of appointment in Higher Grade Post	Date of appointment in Secondary Grade Post	Date of retirement	Post and School where worked last
1	R.Saroja	22.06.1968	01.01.1971	31.05.2006	Headmistress, Municipal Middle School, Trichy-8.
2.	P.Rajeswari	29.08.1968	01.01.1971	30.11.2006	Assistant Teacher, Ki.Aa.Pe. Viswanatham Primary School
3.	M.Vijayakuma ri	03.04.1969	20.10.1971	30.04.2007	Secondary Grade Teacher, Corporation Middle School, Uraiyur East, Trichy.
4.	A.Santhanala kshmi	31.07.1964	17.10.1968	30.06.2002	Headmistress, Municipal Middle School, Thennur, Trichy.
5.	M.Vasanthala	01.02.1968	26.07.1969	31.07.1998	Headmistress, Corporation Primary School, Uraiyur South, Trichy.
6.	R.K.Ramasamy	03.04.1969	20.09.1971	31.05.2004	Municipal Primary School, Keezhpudur, Trichy
7	S.Magdalan . e Mary	03.07.1962	03.08.1967	03.12.1994	Headmistress, Thiru Irudhaya Primary School, Ponmalaipatti Trichy.
8	R.Edwidges	04.07.1966	18.07.1968	30.11.2003	Panchayat Union Primary School, Thiruverumbur Panchayat, Trichy.

(b) Further, according to the petitioners, there was no difference between Secondary Grade Certificate holders who served in the Higher Grade and later in the Secondary Grade Posts. Only, there was a difference in the nomenclature. They approached the Tamil Nadu Administrative Tribunal by filing O.A.Nos.282, 283 and 3441 of 1993 and the same were allowed and the order of the Tribunal has become final since no appeal was filed against the same. Accordingly, the W.P.No.38449 of 2006 was allowed by this Court by order dated 05.01.2010. Another W.P.No.22799 of 2013 filed by one Mr.K.Veerabathiran with a prayer to treat the service rendered by him in the scale of higher grade from 05.11.1969 to 31.12.1970 as Secondary Grade Teacher and award all attendant benefits in the light of the order passed in W.P.No.38449 of 2006 dated 05.01.2010 was also disposed of by order dated 20.08.2013 and in that order, this Court has made it clear that the said Mr.Veerabathiran was entitled to only notional fixation of pay and it could be helpful to him in the matter of revision of pension and that he was entitled to arrears of pensionary benefits.

(c) In this regard, the petitioners herein submitted a representation to the Government on 28.12.2015 requesting the Government to extend the above said benefits to them also by treating the service rendered in the Higher Grade Teacher as service rendered in the Secondary Grade Teacher and award all attendant benefits in the light of the orders passed in W.P.No.22799 of 2013 dated 20.08.2013. But till date, no order has been passed on the same. Hence the present Writ Petition.

4. When the matter is called, the learned Counsel for the petitioners would submit that though larger prayer has been sought for in the Writ Petition, it would be suffice if a direction is issued to the 1st respondent to dispose of the representation of the petitioners dated 28.12.2015 within a period stipulated by this Court.

5. Heard the learned Additional Government Pleader (Education), who has taken notice on behalf of the respondents.

6. In view of the submission, now, made by the learned Counsel for the petitioners, this Court directs the petitioners to furnish a copy of their representation dated 28.12.2015 along with a copy of this order to the 1st respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the 1st respondent is directed to consider the same and pass appropriate orders on the same on merits and in accordance with law and also in the light of the orders passed in W.P.No.22799 of 2013 dated 20.08.2013.

7. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu
School Education Department,
Fort St. George, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
Trichy, Trichy District.

+1 cc to M/s.P.Rajendran Advocate sr 62934
+1 cc to Government Pleader sr 64341

W.P.No.38472 of 2016

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