

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41062 of 2016

S.Mani

... Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by Secretary to Government School
Education Department Secretariat Chennai-
600 009
- 2 The Principal Accountant &
General (A&E) Office of the Principal
Accountant & General Anna Salai Teynampet
Chennai-600 018
- 3 The Director of Elementary
Education DPI Campus College Road
Nungambakkam Chennai-600006.
- 4 The District Elementary
Educational Officer Kancheepuram District
Kancheepuram
- 5 The Additional Assistant
Elementary Educational Officer Acharapakkam
Kancheepuram District ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to upgrade the post of secondary grade assistant to which the petitioner was initially appointed to that of B.T.Assistant as he was holding Graduate teacher qualifications on the date his initial appointment and confer consequential service and monetary benefits including revised pensionary benefits by considering his representation dated 10.06.2016.

For Petitioner : Mr.P.Murali

For Respondents : Mr.V.Anandhamoorthy,
Addl. Govt. Pleader (Edn)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to upgrade the post of secondary grade assistant to which the petitioner was initially appointed 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 including revised pensionary benefits by considering his representation dated 10.6.2016.

3. It is the case of the petitioner that he was appointed as Secondary Grade Teacher at PU Middle School, Thandalam, Chithamur Block on 23.5.1988, even though he is qualified for the post of B.T. Teacher. Subsequently, he was promoted as Graduate Teacher on 26.2.2007 and he retired from service on 31.5.2016 as Headmaster in Panchayat Union Middle School, Kongaraimampattu, Acharapakkam Block. At the time of appointment, though the petitioner was qualified for appointment to the post of B.T. Teacher and though there were vacancies available for the post of B.T. Teacher, he was appointed only to the post of Secondary Grade Teacher. The system of appointment of Graduate Teachers as Secondary Grade Teachers as per G.O.Ms.No.113, School Education Department dated 14.3.1997 was extended to the schools run by the Adi Dravidar and Tribal Welfare Department in and by G.O.Ms.No.63 AD & TW Department dated 1.4.1997 and G.O.Ms.No.5, AD & TW Department, dated 13.1.2000 on the same condition enunciated in G.O.Ms.No.113, School Education Department dated 14.3.1997. Later on, one of conditions stipulated in G.O.Ms.No.63 AD & TW Department dated 1.4.1997 and G.O.Ms.No.5, AD & TW Department, dated 13.1.2000 to the effect that those who have qualified for Graduate Teachers post and were appointed as Secondary Grade Teachers should not claim direct promotion as Graduate Teachers or any special concession, was relaxed in G.O.Ms.No.153 AD & TW Department dated 30.11.2006, so as to enable them to get regular promotion as Graduate Teacher as per their seniority in the cadre of Secondary Grade Teacher. Hence, the petitioner submitted a detailed representation dated 10.6.2016 requesting the first respondent to regularize his appointment as Graduate Teacher from the date of his initial appointment as Graduate Teacher by upgrading the post since he possessed the requisite qualification for appointment as Graduate Teacher even on the date of his initial appointment. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the third respondent to consider the representation of the petitioner dated 10.6.2016 seeking regularization of his appointment as Graduate Teacher from the date of his initial appointment as Secondary Grade Teacher by upgrading the post and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary to Government School
Education Department Secretariat Chennai-
600 009
- 2 The Principal Accountant &
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Kancheepuram District

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