

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.41075 of 2016

A.Kamala Nehru

... Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by the Secretary School Education
Department Fort St. George Chennai 9
 - 2 Director of Elementary
Education DPI Campus College Road Chennai
6
 - 3 District Elementary Education
Officer Paramakudi Ramanathapuram District
 - 4 Asst.Elementary Educational
Officer Paramakudi Ramanathapuram District
- ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents herein to count the period rendered by the petitioner in the post of higher grade teacher along with secondary grade teacher service for the purposes of awarding of selection/special grade scale of pay in the pay scale of secondary grade teacher and consequently revise the pensionary benefit of the petitioner in the light of GO Ms. No. 70 School Education Dept. dt 28.5.2014.

For Petitioner : Mrs.Dakshayani Reddy
For Respondents : Mr.V.Anandhamoorthy,
Addl. Govt. Pleader

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 count the period rendered by her in the post of higher grade teacher along with secondary grade teacher service for the purposes of awarding of selection/special grade scale of pay in the pay scale of secondary grade teacher and consequently, to direct the respondents to revise her pensionary benefits in the light of G.O.Ms.No.70, School Education Department, dated 28.5.2014.

3. It is the case of the petitioner that she was appointed as higher grade elementary school teacher in the Government Aided School, NMS Pandiyanar Elementary School, Pogalur Union, Ramanathapuram District. At the time of appointment, she has possessed diploma in teacher education and hence, she was qualified for the post of secondary grade teacher. Subsequently, the Government took a policy decision vide G.O.Ms.No.1355 dated 3.8.1967 that those higher grade teachers, who were appointed with secondary grade teacher training, shall be absorbed to the post of secondary grade teacher and pursuant to the said GO, 14000 teachers were absorbed as secondary grade teachers. However, the petitioner was granted the pay of secondary grade teachers only with effect from 5.1.1970. The petitioner rendered service as secondary grade teacher upto 1.6.2001 and subsequently worked as incharge of Headmaster of the Elementary School from 1.6.2001 till 13.11.2002 and retired from service on 30.11.2002. Though the petitioner is entitled to count the service in the post of higher grade teacher as secondary grade teacher, she was not considered for the same. In this regard, the petitioner sent a representation dated 18.1.2016 to the respondents. 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. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that the matter in issue is squarely covered by the orders of this Court in W.P.No.31106 of 2006 dated 26.6.2008, W.P.No.35651 of 2006 dated 31.8.2009 and W.P.No.34213 of 2006 dated 27.1.2010. The order passed in W.P.No.34213 of 2006 was also implemented by the first respondent vide G.O.Ms.No.70, School Education Department, dated 28.5.2014 and hence, he prayed for the similar relief in this writ petition also.

5. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

6. 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 petitioner to send a fresh representation along with a copy of this order to the first 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 first respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.70, School Education Department, dated 28.5.2014, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1 The Secretary to Government
Government of Tamil Nadu
School Education
Department Fort St. George Chennai 9

2 Director of Elementary
Education DPI Campus College Road Chennai
6

3 District Elementary Education
Officer Paramakudi Ramanathapuram District

4 Asst.Elementary Educational
Officer Paramakudi Ramanathapuram District

+1 cc to M/s.Dakshayani Reddy Advocate sr 68178

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