

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42206 of 2016

A.Harikrishnan

.. Petitioner

Vs

1 The State of Tamil Nadu
Rep by its Secretary School Education
department Fort St. George Chennai-600 009

2 The Director of Elementary
Educational Officer DPI Campus College
road Chennai

3 The Director of Adi Dravidar
and Tribal Welfare chepauk Chennai-600005

4 The District Elementary
Educational Officer Thiruvannamalai
Thiruvannamalai District

5 The Assistant Elementary
Educational Officer Arni Thiruvannamalai
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 qualification on the date his initial appointment and confer consequential service and monetary benefits by considering his representation dated 10.6.2016.

For Petitioner : Mr.P.Murali

For Respondents : Mr.K.Dhananjayan,
Spl. 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 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 qualification on the date of his initial appointment and confer consequential service and monetary 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 in the Middle School of Ramanathapuram, Polour Block, Thiruvannamalai District, on 20.12.1999. Though he has the required qualification for the post of B.T. Teacher, he was appointed only as Secondary Grade Teacher. Subsequently, he was promoted as Graduate Teacher. While so, on 23.11.2011, without any reason, he was de-promoted as Secondary Grade Teacher. The system of appointment of Graduate Teachers on the conditions, as per G.O.Ms.No.113 School Education Department dated 14.3.1997, introduced in the schools under the control of school education department, was extended to the schools run by 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 conditions enunciated in G.O.Ms.No.113 School Education Department dated 14.3.1997. Thereafter, one of the 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 were qualified for Graduate Teachers posted and were appointed as Secondary Grade Teachers should not claim direction 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 to Graduate Teacher as per their seniority in the cadre of Secondary Grade Teacher. In this regard, the petitioner submitted a detailed representation dated 10.6.2016 to the second respondent requesting him to regularize his appointment as Graduate Teacher from 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 Special 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 first respondent to consider the representation of the

petitioner dated 10.6.2016 seeking upgradation to the post of Secondary Grade Assistant 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/-
Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

sbi

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department Fort St. George Chennai-600 009

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+1 cc to MR.P.MURALI Advocate SR.NO. 70759.

+1 cc to Government Pleader SR.NO. 71300

सत्यमेव जयते

W.P.No. 42206 of 2016

rp[col]

RD 02/01/2017

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