

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.02.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. NO.6585 of 2016

P.Ramakrishnan

..Petitioner

-Vs-

1. State of Tamilnadu, rep by its
Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009.
 2. The Director of School Education,
Chennai 600 006.
 3. The Joint Director of School Education,
(Personnel), Chennai 600 006.
- ..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to regularize the period from 28.6.2005 to 22.8.2005 as duty and confer all the consequential benefits such as declaration of Probation, Annual increment, Selection Grade, incentive increment for higher qualifications, revision of scale of pay and promotion up to the post of P.G. Assistant of Higher Secondary School and Headmaster of High School from the date on which his junior was promoted.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to regularize the period from 28.6.2005 to 22.8.2005 as duty and confer all the consequential benefits such as declaration of Probation, Annual increment, Selection Grade, incentive increment for higher qualifications, revision of scale of pay and promotion up to the post of P.G. Assistant of

Higher Secondary School and Headmaster of High School from the date on which his junior was promoted.

2.The petitioner was appointed as B.T. Assistant (Maths) on 15.09.2000 and posted at Government High School, Kottapatti, Dharmapuri District. The District Level Committee, after conducting enquiry, found that the petitioner was not belonging to S.T. Community, cancelled the community certificate of the petitioner on 27.03.2002. Challenging the same, he has filed a Writ Petition No.15062 of 2002 before this Court. By order dated 24.06.2004, the Division Bench of this Court allowed the writ petition and remanded the matter back to State Level Committee. The State Level Committee confirmed the cancellation order by order dated 02.05.2015. Therefore, the petitioner filed another W.P. No.17999 of 2005. Based on the cancellation of community certificate, the Joint Director of School Education/third respondent herein dismissed the petitioner from service on 14.06.2005. Subsequently, his writ petition challenging the cancellation order passed by the State Level Committee was allowed on 10.08.2005 and the petitioner was re-instated in service with effect from 22.08.2005 and he has joined duty on 23.08.2005. In the meanwhile, the State Level Committee found that the community certificate was genuine and passed an order on 24.03.2014. Therefore, he has given representation to the third respondent. The third respondent forwarded the proposal to the second respondent requesting to regularize the above period as duty. Though no orders have been passed till date, the petitioner is before this Court.

3.When the petitioner was dismissed from service on the basis of the order passed by the State Level Committee, cancelling his community certificate, by an order passed by this Court in W.P. No.17999 of 2005, he was re-instated in service. Therefore, the period of service from the date of dismissal till the date of re-instatement requires to be regularized. Finding no explanation on the side of the respondents as to why the said period should not be regularised, this Court directs the respondents to regularize the period from 28.6.2005 to 22.8.2005 as duty and confer all the consequential benefits, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.
vga

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

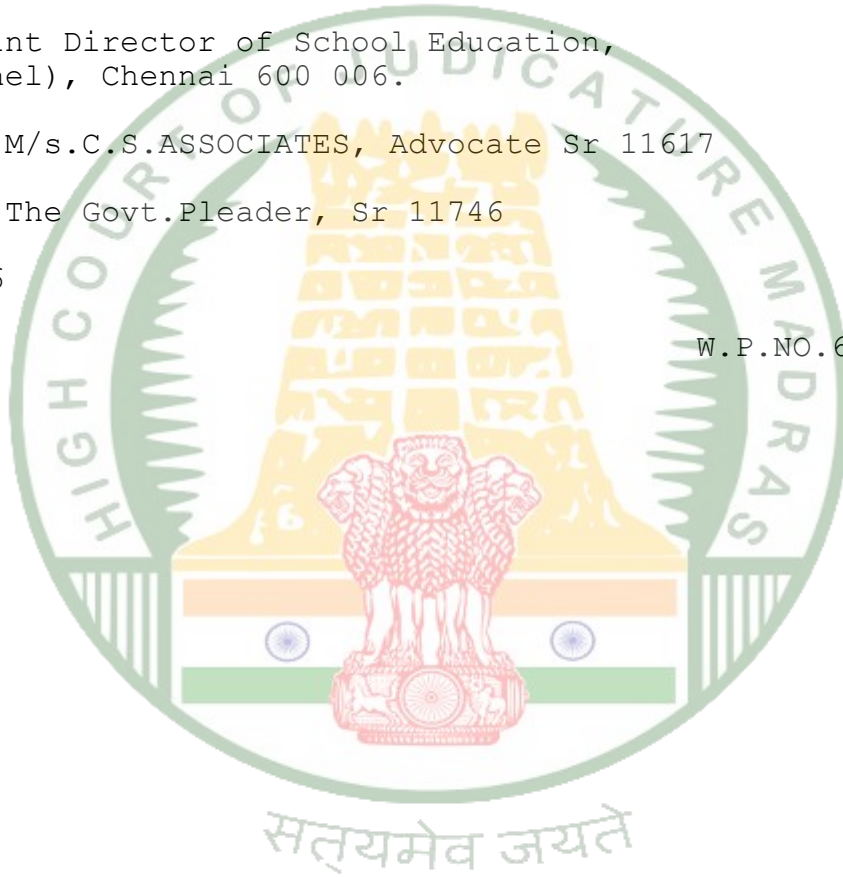
1. The Secretary to Government,
State of Tamilnadu,
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
Chennai 600 006.
3. The Joint Director of School Education,
(Personnel), Chennai 600 006.

+ 1 cc to M/s.C.S.ASSOCIATES, Advocate Sr 11617

+ 1 cc to The Govt.Pleader, Sr 11746

KR/11/4/16

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