



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

W.A. (MD) .No.121 of 2015

and

M.P.No.1 of 2015

1.The State of Tamil Nadu,
represented by its
Secretary to Government,
Department of School Education,
Fort St. George,
Chennai - 9.

2.The Director of School Education,
DPI Campus,
Chennai - 6.

3.The Chief Educational Officer,
Madurai,
Madurai - 625 002.

4.The District Educational Officer,
Madurai,
Madurai - 625 001.

:Appellants/Respondents 1 to 4

Vs.

1.D.Babusamy Kamalakaran,
P.G.Assistant,
U.C.Higher Secondary School,
Madurai - 625 001.

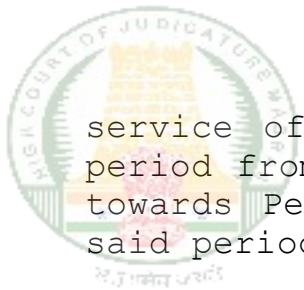
2.The Correspondent,
UC.Higher Secondary School,
Madurai,
Madurai - 625 001.

:Respondents/Writ Petitioners

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 12.06.2014 made in W.P.(MD).No.18164 of 2013 on the file of this Court.

Prayer in WP(MD). 18164/ 2013 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the 3rd Respondent to approve forthwith the



service of the Petitioner as BT Assistant in Science during the period from 05-01-2001 to 09-08-2002 and disburse the grant-in-aid towards Petitioner's salary and other attendant benefits for the said period.

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For Appellants

: Mr.A.K.Baskarapandian,
Special Government Pleader

For Respondent

: Mr.T.Cibi Chakraborty

JUDGMENT

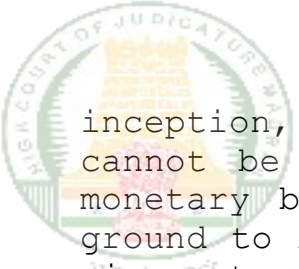
[Judgment of the Court was delivered by
The Hon'ble The Chief Justice]

The first respondent/Teacher, original writ petitioner, has been teaching Zoology in the Aided Minority Educational Institution and his recruitment was regularised on 09.08.2002. The question is of making the monetary benefits available from the actual date of his recruitment on 05.01.2001, though approval came on 09.08.2002.

2. We may note that the writ petition seeking redressal of the grievance was filed in the year 2013, though the first respondent - employee continued to make representations from the very inception. The learned Single Judge has opined that the approval would relate back to the original date of appointment, vide impugned order dated 12.06.2014, a proposition with which the appellants have no quarrel, as that position stands settled by various judgments.

3. The grievance of the appellants is confined to the grant of monetary benefits from the very inception while contending that on grounds of delay and laches, such benefits should be confined to the period of three years prior to the filing of the writ petition.

4. We would have found some merit in the contention of the appellants in normal circumstances. However, in the present case, not only the representation was made by the first respondent/Teacher from the very inception, but the legal position was settled as enunciated in the decision in *M.Sivakumar v.The Government of Tamil Nadu and 2 others* reported in 2005 Writ L.R. 515. It is trite to say that once legal principle is enunciated and it is not assailed further, the Government Departments are bound to implement it uniformly and not compel the persons to approach the Court unnecessarily as to get certification from the Court in every case. The appellants acted in breach of this principle and unnecessarily continued to deny the benefit to the first respondent/Teacher, despite the legal principle being accepted by them. We find this good reason to hold that the first respondent should not be denied the benefit from the very



inception, as he had made representations from 28.07.2003, which cannot be labelled as belated. Thus, there can be no denial of monetary benefits on the ground of delay and laches. We find no ground to interfere with the impugned order in the given facts and circumstances of the case.

5. The writ appeal stands dismissed. Consequently, connected miscellaneous petition is dismissed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Secretary to Government, State of Tamil Nadu,
Department of School Education, Fort St. George, Chennai - 9.
- 2.The Director of School Education,
DPI Campus, Chennai - 6.
- 3.The Chief Educational Officer,
Madurai, Madurai - 625 002.
- 4.The District Educational Officer,
Madurai, Madurai - 625 001.

+1cc to M/s.T.Cibi Chakraborty, Advocate in SR.29319
+1cc to the Special Government Pleader, in SR.29446

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rsb/nb

PBK/ARK-PV/SAR-II 16/06/2016 ::3P-7C::