



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

THE HONOURABLE **MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

AND

THE HONOURABLE **MR.JUSTICE S.NAGAMUTHU**

W.A. (MD) .Nos. 637 and 638 of 2015

and

M.P.Nos.1 of 2015 and 1 & 2 of 2015

- 1.The District Elementary Educational Officer,
Madurai District, R.M.S.Road,
Madurai.
- 2.The Additional Assistant Elementary
Educational Officer,
Madurai East, Madurai.
- 3.The Assistant Elementary Educational Officer,
Madurai South, Madurai. : Appellants/Respondents
in both appeals 1 to 3

Vs.

- 1.S.Indirani : 1st Respondent in W.A.No.637/2015
: Petitioner in WP(MD)2322/09
- 2.E.Pandiselvarani :1st Respondent in W.A.No.638/2015
:Petitioner in WP(MD) 2323/09
- 3.The Secretary
Rajaparameswari Middle School
Babu nagar, Anuppanadi, Madurai.
- 4.The Correspondent,
Dhanamani Vidyasalai Middle School
Goripalayam, Madurai :Respondent 2&3 inboth W.As.
Respondents 4&5

COMMON PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the Order dated 24.11.2014 made in W.P. (MD).Nos. 2322 and 2323 of 2009 on the file of this Court.

Prayer in WP(MD). 2322& 2323 2009 :

<https://hcservices.ecourts.gov.in/hcservices/>
Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Certiorari Mandamus, to call for the records relating to the impugned proceedings issued



by the 1st respondent DEEO in Na.Ka.No.5211/Aa2/03 dated 29.07.2008 in so far as it places the petitioner on "consolidated pay" w.e.f. 14.06.2002 and regular time scale of pay only w.e.f.01.06.2006, quash the same and further direct the respondents to disburse forthwith the salary and allowances to the petitioner by placing in the time scale of pay w.e.f.14.06.2002 with all attendant benefits including arrears of salary and allowances.

For Appellants	: Mr.A.K.Baskarapandian
in Both Appeals	Additional Government Pleader
For Respondents	: Mr.Ragatheeshkumar for
in both Appeals	Mr.T.Cibi Chakravarthy for R1
	No appearance for R2 & R3
	for both petitions

JUDGMENT

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

The private respondents were appointed as Middle Grade Graduate Teachers on 29.06.1998, but on that date, they were over qualified for the appointment to the said post. However, vide G.O.Ms.No.79, School Education Department, dated 14.06.2002, such appointments were permitted, but with prior approval.

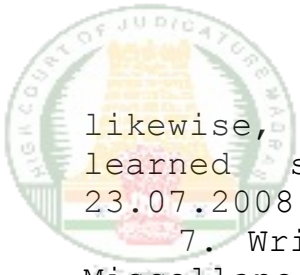
2. It is the case of the private respondents that in fact, they were so regularised and thus, they are entitled to the benefit of pay from that date accordingly, rather than, consolidated pay being granted to them.

3. In terms of the impugned order dated 24.11.2014, the learned single Judge has ruled in favour of the private respondents.

4. The learned counsel for the appellants contends that since no prior approval was taken, the benefits should not be made available in from 2002 but from 2006, when G.O.Ms.No.99 School Education (Budget-II) Department dated 27.06.2006 was issued waiving the condition of lack of prior approval.

5. We are unable to accept the plea for the reason that the present case is one, as per the G.O. of the year 2002, the private respondents were eligible for appointment and since they have been appointed earlier, there could not have been any prior approval for the appointment and the benefits prior to 2002 from the initial date of appointment has not been granted.

<https://hcservices.courts.gov.in/hcservices/>
 6. We thus, find no infirmity in the impugned order. We may also note that a coordinate Bench of this Court has opined



likewise, while dismissing the appeal against the order of the learned single Judge in W.A.(MD) No.190/2007 decided on 23.07.2008.

7. Writ appeals dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar-

RR
TO

1.The District Elementary Educational Officer,
Madurai District, R.M.S.Road,
Madurai.

2.The Additional Assistant Elementary
Educational Officer,
Madurai East, Madurai.

3.The Assistant Elementary Educational Officer,
Madurai South, Madurai.

+2cc to M/s T.Cibi Chakrabarthy Advocate Sr.No. 79565

+1cc to Spl.Government Pleader Sr.No.79532

JAM/23.12.16/PV/3p-7c

**JUDGMENT MADE IN
W.A(MD) Nos.637 and 638 of 2015
and M.P.Nos.1, 1 and 2 of 2015**

**Dated:
02.12.2016**