



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20128 of 2016

and

W.M.P (MD) No.14423 of 2016

R.Ganesan

: Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.

3.The District Elementary Educational Officer,
O/o.the District Elementary Office,
Karur, Karur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to regularize the services of the petitioner as Secondary Grade Teacher w.e.f. the date of appointment i.e. on 28.09.2004 in the light of the order passed by the 1st respondent for similarly placed Secondary Grade Teachers in G.O.Ms.(3D) No.4 School Education (Ni.Va3(1) Department dated 21.01.2015 by considering his representations dated 09.03.2016 and 18.08.2016 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkateshkumar
for M/s.Ajmal Associates.

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to regularize the services of the petitioner as Secondary Grade Teacher w.e.f., the date of appointment i.e., on 28.09.2004 in the light of the order passed by the 1st respondent for similarly placed Secondary Grade Teachers in G.O.Ms.(3D) No.4, School Education (Ni.Va3(1)



Department, dated 21.01.2015, by considering his representations dated 09.03.2016 and 18.08.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that he completed Diploma in Teacher Education and in view of petitioner's seniority in the District Employment Exchange, Karur, he was called for certificate verification on 03.01.2002. But, he was appointed as Secondary Grade Teacher, on consolidated pay on 28.09.2004 and he was brought under the time scale of pay only on 01.06.2006 and his service was regularized w.e.f. 01.06.2016. As per G.O.Ms.(3D). No.78, dated 25.05.2012, his service shall be regularized from the date of his appointment. Therefore, he preferred a representation dated 09.03.2016, requesting him to regularize his service w.e.f. 28.09.2004, the date on which, he was appointed on consolidated pay. But, the same was not considered so far. Therefore, this writ petition has been filed.

4. The learned counsel for the petitioner would submit that in a case of similarly placed person in W.P(MD)No.6177 of 2015, this Court directed the respondents therein to consider the representation of the petitioner therein.

5. The learned Additional Government Pleader would submit that it is agreeable for the first respondent to consider the representation of the petitioner and to pass appropriate orders within a period of three months.

6. Recording the submission made by the learned Additional Government Pleader for the respondents, the first respondent is directed to consider the representation of the petitioner dated 28.09.2004 (while affording the opportunity of personal hearing) pass orders on merits and in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.

3.The District Elementary Educational Officer,
O/o.the District Elementary Office,
Karur, Karur District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.62325

+1 CC to Mr.AJMAL ASSOCIATES, , SR No.61836

ORDER MADE IN
W.P(MD)No.20128 of 2016
and
W.M.P(MD)No.14423 of 2016
19.10.2016

smn

SH/KM:07.11.2016:2P/6C