



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22367 of 2016

A.Christopher

... Petitioner

-vs-

- 1.The State of Tamil Nadu
rep.by its Secretary to Government,
Education Department,
Fort St.George, Chennai - 9.
- 2.The Joint Director of School Education,
(Higher Education)
DPI Compound, College Road,
Chennai - 6.
- 3.The Chief Education Officer,
Cheranmahadevi.
- 4.The District Education Officer,
Cheranmahadevi.
- 5.The Correspondent,
St.Marrys Higher Secondary School,
Uvari,
Tirunelveli.
- 6.The Correspondent,
Holy Redmeer Higher Secondary School,
Thisayanvilai - 627 657,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the entire records connected with the impugned order passed by the 4th respondent dated 14.09.2015, signed on 23.09.2015 in O.Mu.No.2011/A3/2015 and quash the same and consequently direct the respondents to count the service of the petitioner rendered in the 5th respondent recognised institution from 04.07.1994 to 02.01.2002 and thereby refix the scale of pay and count the service for pensionary benefits.



For Petitioner : Mr.S.N.Ravichandran
For RR - 1 to 4 : Mr.V.R.Shanmuganathan
Special Government Pleader
For RR - 5 & 6 : No appearance

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O R D E R

This writ of certiorarified mandamus has been filed, seeking to quash the impugned order dated 14.09.2015 passed by the fourth respondent and consequently direct the respondents to count the service of the petitioner rendered in the 5th respondent recognised institution from 04.07.1994 to 02.01.2002 and thereby refix the scale of pay and count the service for pensionary benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents 1 to 4.

3.The petitioner joined as PG Assistant on 04.07.1994 in the 5th respondent school. Thereafter, he was transferred to the 6th respondent school on 19.09.2001 in the sanctioned post and it was also approved by the District Educational Officer by the order dated 21.10.2001 with effect from 03.01.2002.

4.The third respondent/the Chief Educational Officer did not consider the service of the petitioner in the 5th respondent school for the period from 04.07.1994 to 02.01.2002 for the purpose of regularisation.

5.Contending that the same is against G.O.Ms.No.143 dated 30.01.1997 and G.O.Ms.No.18 dated 09.01.1997, the petitioner has submitted a representation, seeking regularisation of his employment from 04.07.1994 to 02.01.2002. The fourth respondent has rejected the petitioner's claim by the order dated 14.09.2015. This order is under challenge in this writ petition.

6.A perusal of the impugned order would go to show that the claim made by the petitioner has been rejected only on the ground that the petitioner previously served in the unaided recognised institution and since no grant-in-aid was provided to the 5th respondent Higher Secondary School, the claim of counting earlier service cannot be taken into consideration.

7.The learned counsel for the petitioner submitted that the impugned order is directly against the orders passed in WP(MD) No.3434 of 2012 dated 28.01.2014 and G.O.(1D)No.125, School Education Department, dated 13.04.2010.

7.1. The applicability of this decision to the facts of

this case is not under dispute.

8.A perusal of the facts and circumstances of the case would only go to show that the impugned order is against the orders passed in WP(MD)No.3434 of 2012 dated 28.01.2014. Therefore, this writ petition is allowed and the impugned order dated 14.09.2015 is set aside. The fourth respondent is directed to consider the representation of the petitioner in the light of G.O.(1D)No.125, School Education Department, dated 13.04.2010 and also in the light of the order passed by this Court in WP(MD) No.3434 of 2012, dated 28.01.2014 and to pass 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. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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

2.The Joint Director of School Education,
(Higher Education)
DPI Compound, College Road,
Chennai - 6.

3.The Chief Education Officer,
Cheranmahadevi.

4.The District Education Officer,
Cheranmahadevi.

+1cc to Mr.K.K.KANNAN, Advocate in SR. No.72621

+1cc to Special Government Pleader in SR. No.72676

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