

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.01.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.Nos.2026 to 2037/2017

M.Rajasekaran	..	Petitioner in WP.No.2026/2017
K.Usha	..	Petitioner in WP.No.2027/2017
K.Senthilkumar	..	Petitioner in WP.No.2028/2017
K.Pemela	..	Petitioner in WP.No.2029/2017
K.Dhanasekaran	..	Petitioner in WP.No.2030/2017
R.Shanthi	..	Petitioner in WP.No.2031/2017
J.Mary Mettilda	..	Petitioner in WP.No.2032/2017
R.Mahalakshmi	..	Petitioner in WP.No.2033/2017
R.K.Vanitha	..	Petitioner in WP.No.2034/2017
P.S.Kuppan	..	Petitioner in WP.No.2035/2017
V.Devakirubai Ponrani	..	Petitioner in WP.No.2036/2017
S.N.Amutha	..	Petitioner in WP.No.2037/2017

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Vs

1.The Principal secretary to Government
State of Tamil Nadu, School Education
Department, Secretariat, Fort St. George
Chennai 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600006.

3.The District Elementary Educational Officer
Kancheepuram District,
Kancheepuram.

.. Respondents in
all the writ petitions

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to pass orders for regularising the period of service from 31.05.2015 to 24.02.2016 as duty period or as compulsorily wait period with all service benefits including arrears of salary and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioners in all
the Writ Petitions : Mr.G.Sankaran

For R1 to R3 in all the
Writ Petitions : Mr.K.Dhananjayan, Spl.GP

COMMON ORDER

By consent, the writ petitions are taken up for final disposal, since the issue to be adjudicated is one and the same. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents in all the writ petitions.

2[a] The petitioner in WP.No.2026/2017 was initially appointed as a Secondary Grade Teacher in MCCRSI High School, Tambaram [West], Chennai, on 15.12.1992 and the appointment of the petitioner was also approved by the Education Department and thereafter, he was transferred to Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 01.03.1993. It is further averred that he was transferred to Padma Adarsh Primary School, Vaniyanchavadi, Thiruporur Taluk, Kancheepuram District on re-deployment on 31.05.2015 and however, he was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Pakkam, Maduranthagam Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the

date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, he submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[b] The petitioner in WP.No.2027/2017 was initially appointed as a Secondary Grade Teacher in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 21.07.2000 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to St.Mary's Primary School, Mambakkam, Uthiramerur Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Neervallur, Walajabad Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[c] The petitioner in WP.No.2028/2017 was initially appointed as a Secondary Grade Teacher with Diploma in Teacher Education [D.T.Ed.] in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 15.10.2004 and the appointment of the petitioner was also approved by the Education Department and thereafter, he was transferred to R.C. Primary School, Chendivakkam, Achrapakkam Union, Kancheepuram District on re-deployment on 31.05.2015 and however, he was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also

issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Kadalur, Lathur Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, he submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[d] The petitioner in WP.No.2029/2017 was initially appointed as a Secondary Grade Teacher with B.Ed., qualification, in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 13.11.2002 and her services were regularised as Secondary Grade Teacher after completion of Child Psychology Training with effect from 02.06.2003 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to R.C. Primary School, Pappanallur, Achrapakkam Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Sathurangapattinam, Thirukalukundram Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[e] The petitioner in WP.No.2030/2017 was initially appointed as a Secondary Grade Teacher with Diploma in Teacher Education [D.T.Ed.] in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 09.03.2001 and the appointment of the petitioner was also approved by the Education Department and thereafter, he was transferred to St.Mary's

Primary School, Mambakkam, Uthiramerur Union, Kancheepuram District on re-deployment on 31.05.2015 and however, he was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Purisai, Walajabad Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, he submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[f] The petitioner in WP.No.2031/2017 was initially appointed as a Secondary Grade Teacher in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 29.11.1996 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to St.Mary's Primary School, Mambakkam, Uthiramerur Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Mulli, Maduranthagam Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[g] The petitioner in WP.No.2032/2017 was initially appointed as a Secondary Grade Teacher with M.A., B.Ed., [Tamil] qualification in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 17.06.1996 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to CSI Primary School, Maduranthagam and Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Arunkundram, Maduranthagam Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[h] The petitioner in WP.No.2033/2017 was initially appointed as a Secondary Grade Teacher in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 29.11.1996 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to DSSN Middle School, Walajabad and Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Nallur, Walajabad Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and

acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[i] The petitioner in WP.No.2034/2017 was initially appointed as a Secondary Grade Teacher with Secondary Grade Teachers Training [SGTT] in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 13.10.1995 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to CSI Primary School, Tambaram [East], Chitlapakkam Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Palayanoor, Walajabad Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[j] The petitioner in WP.No.2035/2017 was initially appointed as a Secondary Grade Teacher with Diploma in Teachers Education {D.T.Ed.,} with a further qualification of M.A., B.Ed., in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 18.03.2002 and the appointment of the petitioner was also approved by the Education Department and thereafter, he was transferred to CSI Primary School, Vizhuthamangalam, Lathur Block, Kancheepuram District on re-deployment on 31.05.2015 and however, he was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Kottavakkam, Walajabad Union, on 24.02.2016 and

working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, he submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[k] The petitioner in WP.No.2036/2017 was initially appointed as a Secondary Grade Teacher with Secondary Grade Teachers Training [SGTT] in Valluvar Aided Middle School, Thirunageswaram, Kundrathur, Chennai, on 01.08.1999 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to St.Mary's Primary School, Mambakkam, Uthiramerur Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Kavithandalam, Uthiramerur Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

[l] The petitioner in WP.No.2037/2017 was initially appointed as a Secondary Grade Teacher with Diploma in Teachers Education Training [D.T.Ed.] with a further qualification of B.A., B.Ed., in Baby Middle School, Tambaram [West], Chennai, on 24.04.1996 and the appointment of the petitioner was also approved by the Education Department and thereafter, she was transferred to R.C. Primary School, Pouchur, Lathur Union, Kancheepuram District on re-deployment on 31.05.2015 and however, she was not allowed to join duty in the said school by the School Management. The petitioner, in this regard, has also submitted a representation to the respondents and the 1st

respondent, vide G.O.Ms.No.36, School Education Department, dated 18.02.2016, has allotted the petitioner and similarly placed persons to Panchayat Union Schools and based on the same, the 2nd respondent has also issued posting orders dated 22.02.2016 and the petitioner joined in the post of Secondary Grade Teacher at the Panchayat Union Middle School, Dharmapuram, Walajabad Union, on 24.02.2016 and working as such, till date. The petitioner made a request for regularisation of the period from 31.05.2015 to 24.02.2016 [268 days], i.e., the date of joining in the Panchayat Union Middle School, as compulsory wait for the purpose of duty and conferment of other consequential benefits and since it has not been considered, she submitted a representation to the respondents 1 and 2 on 15.11.2016 and though it was received and acknowledged, it is yet to be disposed of and hence, the petitioner came forward to file the present writ petition.

3 Mr.G.Sankaran, learned counsel appearing for the petitioners would submit that the petitioners are not at all in fault and therefore, the period between 31.05.2015 till they joined the respective Panchayat Union Schools have to be treated as compulsory wait and they should be conferred with all service and other consequential benefits and hence, prays for appropriate orders.

4 The Court heard the submission of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

5 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the respondents 1 and 2 to consider and dispose of the petitioners' individual representations dated 15.11.2016 on merits and in accordance with law, after taking note of G.O.Ms.No.36, School Education Department, dated 18.02.2016 as well as the consequential posting orders issued by the 2nd respondent dated 22.02.2016 and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

6 The writ petitions stand disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Principal secretary to Government
State of Tamil Nadu, School Education
Department, Secretariat, Fort St. George
Chennai 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600006.

3.The District Elementary Educational Officer
Kancheepuram District,
Kancheepuram.

+1 cc to M/s.G.Sankaran Advocate sr 5882

+1 cc to Government Pleader sr 5977

W.P.Nos.2026 to 2037/2017

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