

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30887 of 2017

V.K.Santhakumari

.. Petitioner

-vs-

1. State of Tamil Nadu
rep.by its Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. Director of Elementary Education
Chennai 600 006
3. District Elementary Educational Officer
Chennai 600 006
4. Additional Assistant Elementary
Educational Officer
Perambur Range
Chennai 600 049
5. The Correspondent
Vivek Vidyalaya Middle School
No.2/71 Kumaran Nagar
Jawahar Nagar Post
Chennai 600 082

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to forward the proposal dated on 21.10.2016 in respect of the petitioner to the second respondent, who in turn forward the same to Government for getting relaxation retrospectively from the date of appointment dated on 07.08.1986 in the cadre of Secondary Grade Teacher and from the date of promotion in the post of Middle School Head Mistress dated on 28.03.1988, so as to enable the petitioner to count the service for annual increments and other monetary benefits, particularly pension.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for R1 to 4

ORDER

The petitioner was appointed as Secondary Grade Teacher in a sanctioned post with B.T. qualification on 7.8.86 in the fifth respondent School. While she was found discharging her duties satisfactorily, the respondents gave her promotion to the post of Headmistress of Middle School with B.T. Cadre on 25.3.88. When the Government passed an order regularising her service on 17.1.89, it has done so only from the date of issuance of the order dated 17.1.89. Aggrieved by the non-regularisation of her initial service from the date of appointment, she has given a representation on 7.10.2016 to the authorities seeking regularisation of her service from the date of appointment. But the third respondent instructed the fourth respondent to submit a consolidated proposal for ratifying the defects. In response thereto, the Additional Assistant Elementary Educational Officer, Perambur Range has also submitted the proposal on 21.10.2016 to the third respondent. But the third respondent, instead of forwarding the same to the Government through the Director of Elementary Education, merely making an endorsement, returned the papers stating that the same cannot be forwarded to the Government on 5.4.2017.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4.

3. Since the petitioner's service was regularised only with effect from the date of issuance of the Government Order dated 17.1.89, she gave a representation on 7.10.2016 to regularise her services from the date of her initial appointment as Secondary Grade Teacher in the sanctioned post with B.T.qualification with effect from 7.8.86. Moreover, when the third respondent asked the fourth respondent to submit a consolidated proposal for ratifying the defecs, after the proposal was properly forwarded by the fourth respondent to the third respondent, the same has not been further forwarded to the Government through the Director of Elementary Education. Therefore, the third respondent is hereby directed to forward the proposal, as submitted by the fourth respondent, to the second respondent within a period of three weeks from the date

of receipt of a copy of this order. On receipt of such proposal, the second respondent shall forward the same to the first respondent within a period of three weeks therefrom and the first respondent shall pass appropriate orders on the same within a period of three weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The Director of Elementary Education
Chennai 600 006
3. The District Elementary Educational Officer
Chennai 600 006
4. The Additional Assistant Elementary
Educational Officer
Perambur Range
Chennai 600 049

+1cc to M/s.C.S.Associates, Advocate, S.R.No.85210

+1cc to the Government Pleader, S.R.No.85445

सत्यमेव जयते

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RRK(15/12/2017)

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