

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.10054 to 10059 of 2013

1.M.Teresammal	...Petitioner in W.P.No.10054/2013
2.R.Juslet Bai	...Petitioner in W.P.No.10055/2013
3.S.Stephen	...Petitioner in W.P.No.10056/2013
4.R.Bensam	...Petitioner in W.P.No.10057/2013
5.V.Ramasamy Pillai	...Petitioner in W.P.No.10058/2013
6.G.Maria Arputham	...Petitioner in W.P.No.10059/2013

Vs.

1.The Government of Tamilnadu, rep. by the Secretary to the Government, School Education Department, Fort St. George, Chennai - 600 009.	
2.The Chief Educational Officer, Nagercoil, Kanyakumari District.	...Respondents in all Wps.

Common Prayer: Writ petitions are filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the first respondent to consider the Petitioner's representation dated 31.10.2012, 16.10.2012, 17.10.2012, 29.09.2012 respectively requesting for treating the service rendered by her/him in the post of Higher Grade Teacher with Secondary Grade qualification from 01.06.1964 to 30.09.1968, 17.02.1969 to 31.12.1970, 15.06.1964 to 31.08.1969, 24.10.1966 to 31.12.1970, 29.01.1964 to 30.09.1969 & 13.10.1964 to 04.08.1970 respectively as Secondary Grade service and count the said service along with the service rendered by her/him in the post of Secondary Grade teacher from 01.10.1968, 01.01.1971, 01.09.1969, 01.01.1971, 01.10.1969 & 05.08.1970 and consequentially grant her/him selection and special grade in the Secondary Grade Teacher post in the light of the orders passed in W.P.No.43235 of 2006 dated 03.04.2009 and W.P.No.33806 of 2006 dated 06.01.2010.

For Petitioners: Mr.P.Manoj Kumar (in all Wps)

For RR1 & 2 : Mr.K.Karthikeyan
Government Advocate
(in all Wps)

C O M M O N O R D E R

The relief sought for in all these writ petitions, is for a direction to direct the first respondent to consider the Petitioners representations dated 31.10.2012, 16.10.2012, 17.10.2012, 29.09.2012 respectively, requesting for treating the service rendered by her/him in the post of Higher Grade Teacher with Secondary Grade qualification from 01.06.1964 to 30.09.1968, 17.02.1969 to 31.12.1970, 15.06.1964 to 31.08.1969, 24.10.1966 to 31.12.1970, 29.01.1964 to 30.09.1969 & 13.10.1964 to 04.08.1970 respectively, as Secondary Grade service and count the said service along with the service rendered by her/him in the post of Secondary Grade teacher from 01.10.1968, 01.01.1971, 01.09.1969, 01.01.1971, 01.10.1969 & 05.08.1970 and consequentially grant her/him selection and special grade in the Secondary Grade Teacher post in the light of the orders passed in W.P.No.43235 of 2006 dated 03.04.2009 and W.P.No.33806 of 2006 dated 06.01.2010.

2.The learned counsel for the writ petitioners state that even as per the Government Orders and as per the orders passed by this Court in W.P.No.43235 of 2006 dated 03.04.2009, the writ petitioners are entitled to get the benefit of counting of the services for the purpose of grant of Selection Grade and Special Grade. However, the said benefit has not been granted to the writ petitioners and in this regard, representations were submitted to the 1st respondent on 31.10.2012, 16.10.2012, 17.10.2012, 29.09.2012, by the respective writ petitioners. Though the writ petitions are pending for the past five years, the respondents have not filed any counter affidavit in respect of the claim of the writ petitioners. In view of the fact that no counter affidavit has been filed, this Court is of an opinion that the respondents are bound to consider the representations submitted by the writ petitioners.

3.Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representations submitted by the writ petitioners on 31.10.2012, 16.10.2012, 17.10.2012,

29.09.2012 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioners are directed to enclose the copy of the representations and the documents, if any, along with the order passed in these writ petitions.

4. Accordingly, all the writ petitions stand disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to the Government of Tamilnadu,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

+6ccs to Mr. P. Rajendran, Advocate Sr. 72677 to 72682
+1cc to the Government Pleader Sr. 72987

सत्यमेव जयते

W.P. Nos. 10054 to 10059 of 2013

rsv[co]
srg 12/11/2018

WEB COPY