



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8979 of 2018

D.Sudhakar

... Petitioner

-vs-

1.The Secretary to the Government
Education Department
Tamilnadu Government
Chennai - 600 009.

2.The Director of School Education
College Road,
Chennai - 600 006.

3.The Joint Director of School Education,
(Higher Education)
College Road,
Chennai.

4.The Chief Educational Officer,
Chief Education Office,
Virudhunagar.

5.The Headmaster,
Government Higher Secondary School,
Reserve line,
Sivakasi West,
Virudhunagar District.

6.The Headmaster,
Y.R.T.V. Matric Higher Secondary School,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the Respondents 1 to 3 to count the service rendered by the Petitioner as P.G.Economics Teacher in recognized Y.R.T.V. Matric Higher Secondary School, Sivakasi from 15.06.1990 to 31.12.2012 for the purpose of pay fixation, pension and other benefits on the basis of the 4th Respondent proceeding in Na.Ka.No./5226/AA2/2014 dated 08.08.2014 and consequential proceedings of the 5th respondent in Na.Ka.No.29/2018 dated 15.02.2018 in the light of G.O.Ms.No.143 Education Department 30.01.1987 to the petitioner.



For Petitioner : Mr.A.P.Muthu Pandian

For R.1 to R.5 : Mr.D.Muruganantham,
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondents 1 to 3 to count the service rendered by the petitioner as P.G.Economics Teacher in the fifth respondent School from 15.06.1990 to 31.12.2012 for the purpose of pay fixation, pension and other benefits on the basis of the fourth respondent's proceedings in Na.Ka.No./5226/AA2/2014 dated 08.08.2014 and the consequential proceedings of the fifth respondent in Na.Ka.No.29/2018 dated 15.02.2018 in the light of G.O.Ms.No.143, Education Department, 30.01.1987, to the petitioner.

2. The learned Counsel for the petitioner would submit that the petitioner, before coming to the Government Service had been working as Teacher in a Matriculation School from 15.06.1990 to 31.12.2012. Therefore, in order to calculate the said services rendered at the Matriculation School, the petitioner had made a request to the authorities, which was forwarded by the fourth respondent, vide proceedings dated 08.08.2014 to the third respondent. Thereafter, the fifth respondent herein, i.e., the Headmaster of the School, where the petitioner is working, has sent a reminder on 15.02.2018 to the fourth respondent regarding the earlier proceedings dated 08.08.2014 and sought for a clarification as to whether the said proposal has been cleared or not by the concerned authority, namely, the third respondent. Even though all these correspondences have already been made between the official respondents, nothing was forthcoming from the third respondent, who is the competent authority to pass orders. Therefore, the petitioner is before this Court.

3. The learned Counsel for the petitioner would submit that even though the petitioner has sought for a larger prayer in this writ petition, if the said proposal forwarded by the fourth respondent on 08.08.2014 to the third respondent is directed to be considered and an order to that effect is directed to be passed within a stipulated time frame, the petitioner would be satisfied.

4. The learned Additional Government Pleader would submit that if the proposal is already forwarded by the fourth respondent on 08.08.2014 itself to the third respondent, certainly, the same shall be considered by the third respondent, if not already considered and an order to that effect shall be passed within a reasonable time.



5. I have heard the submissions of Mr.A.P.Muthu Pandian, learned Counsel appearing for the petitioner as well as Mr.D.Muruganantham, learned Additional Government Pleader, who takes notice for the official respondents, i.e., respondents 1 to 5.

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6. Considering the said submissions of both the sides, this writ petition, with the consent of both parties, is disposed of, at the admission stage itself, with the following directions:

The third respondent is directed to consider the request of the petitioner, as forwarded by the fourth respondent vide proceedings in Na.Ka.No.5226/AA2/2014 dated 08.08.2014 and as reminded by the fifth respondent vide his proceedings in Na.Ka.No.29/ 2018 dated 15.02.2018 and pass orders thereon, on merits and in accordance with law, with regard to the grievance of the petitioner to calculate his service at the recognised unaided Matriculation School between 15.06.1990 and 31.12.2012, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar(T & p)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government
Education Department
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Chennai - 600 009.
2. The Director of School Education
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4. The Chief Educational Officer,
Chief Education Office,
Virudhunagar.



5. The Headmaster,
Government Higher Secondary School,
Reserve line,
Sivakasi West,
Virudhunagar District.

+1cc to Mr.A.P.MUTHU PANDIAN, Advocate in SR.No.63239

+1cc to SPECIAL GOVERNMENT PLEADER ,Advocate in SR.No.63018

gk
SB/KKR/SAR3/28/05/2018/4P/8C

W.P. (MD) No. 8979 of 2018
23.04.2018