



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.19250 of 2013

S.Balasubramanian

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary,
School Education (HS-II) Department,
Fort St.George,
Chennai - 09.

2.The Director of School Education,
College Road,
Chennai - 06.

3.The Joint Director of School Education,
College Road,
Chennai - 06.

4.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner in the Grade I of Technical Teacher Computer Science with effect from 01.07.1989 to 07.07.2004 in the pay scale of 1400-40-1600-50-2300-60-2600 (Equivalent to B.T. time scale of pay) with all the service benefits including the arrears pay and allowances.

For Petitioner

: Mr.B.Chandran

For Respondents

: Mr.M.Muthu

Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to regularize the service of the writ petitioner in the post of Grade I of Technical Teacher Computer Science with effect from 01.07.1989 to 07.07.2004.



2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner had acquired the requisite qualification of three months training course for part time Vocational Teachers from 19.01.1995 to 10.05.1995. The writ petitioner states that he had completed the required training course in the year 1995 itself. However, his services were regularized in the year 2004 and atleast his services ought to have been regularized in the year 1995.

3.The learned Additional Government Pleader appearing on behalf of the respondents states that the writ petitioner was appointed as part time Technical Instructor Computer Science at Raja Higher Secondary School, Ramanathapuram on 24.11.1988 on consolidate pay. Subsequently, the writ petitioner was appointed as double part time Technical Instructor, Computer Science on 01.07.1989 on consolidate pay basis.

4.This apart, the writ petitioner did not undergo the short time training course during the relevant point of time and hence, he became unqualified to hold the post of Technical Instructor. Since the writ petitioner was not qualified during the relevant period of time, his service was not regularized for the period from 01.07.1989 to 07.07.2004 and consequently, his scale of pay also was not revised.

5.Now, the learned counsel for the writ petitioner states that the writ petitioner had acquired the requisite qualification of training course in the year 1995 and therefore, it is suffice if a direction is given to the respondents to consider the representation submitted by the writ petitioner in this regard on 29.04.2013.

6.Thus, without going into the merits of the matter, the second respondent is directed to consider the representation submitted by the writ petitioner on 29.04.2013 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation, fresh representation, relevant Government Orders and documents, if any, along with the order passed in this writ petition.

7.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar



To

1.The Secretary,
School Education (HS-II) Department,
Fort St.George,
Chennai - 09.

2.The Director of School Education,
College Road,
Chennai - 06.

3.The Joint Director of School Education,
College Road,
Chennai - 06.

4.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

+One cc to M/s.B.Chandran, Advocate, SR.No.52785

+One cc to The Special Government Pleader, SR.No.53667

mm

RL/7C/3P/SV/MMS/SAR1/27/3/2018

W.P. (MD) No.19250 of 2013

05.03.2018