

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.3998 and 3999 of 2018

And

W.M.P.Nos.4917 to 4920 of 2018

G.Margret Pricilla

... Petitioner in W.P.3998/2018

C.R.Kasthuri

... Petitioner in W.P.3999/2018

Vs.

- 1.State of Tamil Nadu, rep. by its
Secretary to Government,
School Education Department
Secretariat, Chennai - 600 009.
- 2.The Director of School Education,
Chennai - 600 006.
- 3.The Inspector of Anglo-Indian Schools,
Chennai - 600 006. ... Respondents in both the W.Ps.
- 4.The Correspondent,
St.Joseph's Anglo Indian Girls
Higher Secondary School,
Tiruchirapalli - 620 001.
Tiruchirapalli District. ... Respondent in W.P.3998/2018
- 5.The Correspondent,
St.Francis Xavier Anglo Indian Girls
Higher Secondary School,
No.208, Broadway,
Chennai - 600 108. ... Respondent in W.P.3999/2018

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to delete the condition that excess grant will not be given to the petitioners imposed in G.O.(2D) No.14, School Education Department, dated 09.04.2009 and G.O.(3D) No.85, School Education Department, dated 15.06.2012, by considering the representation made by the fourth respondent dated 09.03.2011 and 06.08.2013 respectively, on behalf of the petitioners and by considering the representations made by the

petitioners dated 19.06.2015 and 29.05.2017; and 09.05.2016 respectively and confer all the consequential benefits.

For Petitioners : Mr.Natarajan
Senior Counsel
for M/s.C.S.Associates

For Respondents : Ms.P.Kavitha
Government Advocate
Mr.S.Dhayaleswaran for R4

COMMON ORDER

The petitioner has filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents to delete the condition that excess grant will not be given to the petitioners imposed in G.O.(2D) No.14, School Education Department, dated 09.04.2009 and G.O.(3D) No.85, School Education Department, dated 15.06.2012, by considering the representation made by the fourth respondent dated 09.03.2011 and 06.08.2013 respectively, on behalf of the petitioners and by considering the representations made by the petitioners dated 19.06.2015 and 29.05.2017; and 19.06.2015 and 09.05.2016 respectively and to confer all the consequential benefits.

2.Heard the arguments advanced on either side.

3.The case of the petitioners is that the petitioners were appointed as Computer Instructor (part time) in the respective fourth respondent School on consolidated pay in the sanctioned post of single part time. The Government took a policy decision to convert the single part time posts and double part time posts depending upon the cadre strength and need of the Schools in 1990 in the regular time scale of pay. After assessing the available part time Teachers posts and Teachers, the Government issued orders upgrading the double part time posts as full time Teacher in the vocational subject.

4.It is the further case of the petitioners that Computer Science is coming under the vocational subject. The Government by mistake omitted the respective fourth respondent School and hence, the petitioners were not given full time Teacher posting. Hence, the petitioners made representation to the Management of the respective Schools and the Management forwarded the same to the Government. Accordingly, the Government issued order converting single part time post into full time post and the petitioners became full time Teachers in the year 2009 as per G.O.(Ms) No.14, School Education Department, dated 09.04.2009.

5.It is the further case of the petitioners that as per the said Government order, the respective Managements fixed the scale of pay applicable to the Secondary Grade Teacher as if the petitioners were Diploma holders. Since the petitioners were Degree holders, they made representation seeking B.T. cadre scale of pay. The Government accepted the same and issued revised Government Order in G.O.(3D) No.85, School Education Department, dated 15.06.2012, however, the respective Managements did not implement the same. Hence, the petitioners made representation to the Directorate and the Directorate forwarded the same to the Management and instructed the Management to implement the said Government Order. Thereafter, the petitioners were given B.T. scale of pay.

6.It is the further case of the petitioners that while issuing G.O.(Ms) No.14, School Education Department, dated 09.04.2009, the Government imposed condition that excess grant will not be given by the Government. The petitioners made representation seeking conversion of Secondary Grade scale of pay to B.T. Scale of pay and to delete the observation that no excess grant will be given by the Government. However, the Government thereafter issued G.O.(3D) No.85, School Education Department, dated 15.06.2012 converting Secondary Grade scale of pay to B.T. Scale of pay and no order was issued insofar as denial of excess grant. Hence, the petitioners again made representations seeking to delete the condition imposed by the Government i.e., excess grant will not be given by the Government to the third respondent and the third respondent also forwarded the same to the Directorate and the Directorate in turn forwarded the same to the Government, however, the same have not yet been considered. Hence, these writ petitions.

7.The learned counsel appearing for the petitioner as well as the learned counsel appearing for the fourth respondent would submit that the petitioners representations may be disposed of in accordance with law and as per the existing Scheme.

8.The learned Government Advocate would submit that appropriate orders will be passed on the petitioners representations in accordance with law.

9.Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the respondents to consider the petitioners representations dated 19.06.2015 and 29.05.2017; and 19.06.2015 and 09.05.2016 respectively, on merits and in accordance with

law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

10.The writ petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
School Education Department
Secretariat, Chennai - 600 009.
- 2.The Director of School Education,
Chennai - 600 006.
- 3.The Inspector of Anglo-Indian Schools,
Chennai - 600 006.

+1 cc to M/s.J.Maria Roseline,Advocate Sr.No. 98233
+2 cc to M/s.C.S.Associates,Advocate Sr.No. 97837
+1 cc to The Government Pleader Sr.No. 98088

AKM/06.01.2020/4P-8C /

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