

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.30164 to 30167 of 2014

and

M.P.Nos.2, 2, 2, 2 of 2014

- 1.S.A.Zennathull Haseena ...Petitioner in W.P.No.30164/2014
2.M.Shaik Abdullah ...Petitioner in W.P.No.30165/2014
3.Hameetha Banu ...Petitioner in W.P.No.30166/2014
4.M.S.K.Abdul Nazeer ...Petitioner in W.P.No.30167/2014

Vs.

- 1 The Government of Tamilnadu
Rep by its Principal Secretary,
School Education Dept.,
Fort St. George, Chennai 600 009.
2 The Director of School Education,
College Road, Chennai 600 006.
3 The Joint Director of School Education
(Secondary Grade),
College Road,
Chennai 600 006. ... Respondents in all W.Ps.

PRAYER IN ALL W.Ps.:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus, calling for the records relation to the 1st respondent letter No. 14465/C.C1 (1)/2013-2 dt 29.8.2013 and the consequential order of the 3rd respondent in his proceedings in Muu. Mu. No.40761/T2/E2/2013 dt Nil.10.2013 and quash the same further directing the respondents to convert the petitioners post as B.T. Assistant Post with effect from G.O. Ms. No.79 and pay all the monitory benefits as B.T. Assistant Scale on par with other appointments made upon the above said G.O. and reassign the seniority.

For Petitioners in : Mr.P.Mahalakshmi
all W.Ps.

For Respondents in : Mr.K.Karthikeyan, G.A.(Edn.)
all W.Ps.

COMMON ORDER

The relief sought for in all the writ petitions are one and the same and the respondents are also same in all the writ petition and hence common order is being passed.

2. According to the petitioners, the petitioners were appointed as Secondary Grade Teacher and the service of the petitioners was also regularized. The first respondent issued a G.O.Ms.No.79, dated 14.6.2002 stating that the Government has decided to appoint B.T. Assistant Teachers in the Secondary Grade vacancies for taking classes from 6th to 8th standard. The first respondent also issued another G.O.Ms.No.100, School Education Department, dated 27.6.2003 stating that B.T. qualified teachers are eligible to be appointed in 6th to 10th Standard in all subjects, in all Government Schools and the existing Secondary Grade posts shall be upgraded as Graduate Teacher posts and whenever the vacancy arose in the Secondary Grade teacher posts, that posts shall be filled up with the B.T. qualified teachers. Insofar as the aided Schools are concerned, the first respondent issued a G.O.Ms.No.125, School Education Department, dated 12.11.2003, wherein permitted to appoint B.T. Assistant teachers in the Secondary Grade vacancies for taking classes from 6th to 8th Standard and posts were earmarked as Junior Grade B.T. Assistant with the salary of consolidated pay. It is further submitted that petitioners were also taking classes from 6th to 8th Standard with the qualification of B.T. Assistant, but the petitioners were not paid equal pay on par with B.T. Assistant. It is further submitted that the petitioners are also acquired qualification of B.T. Assistant. Since the petitioners are holding the post of Secondary Grade Teacher, they were denied equal pay on par with B.T. Assistant. Therefore, the impugned orders passed by the respondents 1 and 3 are totally unreasonable, irrational, arbitrary and the same is liable to be quashed. The learned counsel appearing for the petitioner would submit that the issue involved in the present writ petition has already been decided by this Court in W.P.(MD) No.14870 of 2010, dated 15.9.2014 and the said order is squarely apply to the facts of the case on hand.

3. The learned Government Advocate appearing for the respondents would submit that the G.O.Ms.No.155, issued by the

first respondent has clearly stated that the interest of the Secondary Grade teachers will be protected and in future vacancies arose the same shall be filled up by appointing B.T. Assistants. Now taking advantage of the same, the petitioners are seeking scale of pay on par with B.T. Assistants wholly unjustified. Therefore, there is no illegality in the order passed by the respondents. Further, the learned Government Advocate would submit that the order, dated 15.9.2014 passed in W.P.(MD) No.14870 of 2010 granting relief to the writ petitioner therein by directing the respondents to bring the petitioners as Secondary Grade teacher into regular time scale of pay with effect from 1.6.2006 and pay arrears and all other service benefits. Challenging the said order, Writ appeal is pending before the Division Bench at Madurai Bench.

4. Admittedly, W.P.(MD) No.14870 of 2010 has been filed before the Madurai Bench of this Court seeking to pay salary and all other benefits on par with Graduate teachers appointed in middle School. Challenging the order, dated 15.9.2014 passed in the writ petition, a writ appeal has been preferred and the same is pending before the Division Bench of this Court at Madurai. Admittedly, no interim order was granted in the writ appeal.

5. In view of the above, the petitioner is directed to make representation to the second respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents 1 and 2 shall consider the said representation in the light of order passed in W.P.(MD) No.14870 of 2010, dated 15.9.2014 as expeditiously as possible.

6. In the facts and circumstances of the case, all the writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary,
Government of Tamilnadu,
School Education Dept.,
Fort St. George,
Chennai 600 009.



सत्यमेव जयते

WEB COPY

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

3 The Joint Director of School
Education (Secondary Grade),
College Road,
Chennai 600 006.

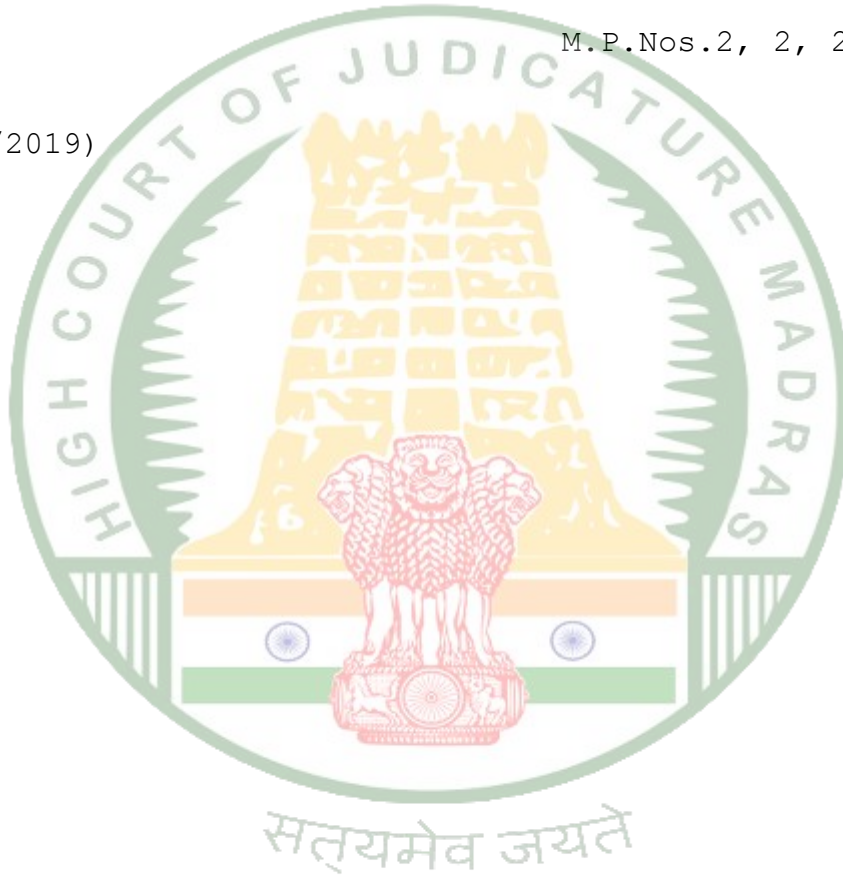
+1cc to the Government Pleader, S.R.No.34100

W.P.Nos.30164 to 30167 of 2014
and

M.P.Nos.2, 2, 2, 2 of 2014

VGII (CO)

RRS (09/05/2019)



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