

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28066 of 2019

R.Ranganathan

... Petitioner

Vs.

- 1.The Secretary to Government,
Education Department,
Secretariat, Chennai-9.
- 2.The Director of Elementary Education,
College Road, Chennai-6.
- 3.The District Educational Officer,
Tanjore.
- 4.The Block Educational Officer,
Papanasam, Tanjur District.
- 5.The Secretary
Shri Ganapathy Aided Primary School/
now changed as Aided Primary School,
Perumal Kovil, Papanasam,
Tanjore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondent to count the past service of the petitioner from 20.2.1998 to 1.7.2004 as Secondary Grade Teacher in the 5th respondent school of the G.O.(1D) Ms.No.125, School Education Department, dated 13.04.2010.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.A.Rajaperumal

Additional Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

Mr.A.Rajaperumal, learned Additional Government Pleader, accepts notice on behalf of the respondents.

2.The petitioner has passed Diploma in Techer Education in the year 1992 and had registered in the District Employment Exchange. When an vacancy arose for the post of Secondary Grade Teacher at Shri Ganapathy Aided School, Perumal Kovil, due to resignation of a Secondary Grade Teacher working in that school on 04.10.1996. Therefore, after getting permission from the 3rd respondent gave paper advertisement dated 28.12.1997 inviting application from the eligible candidates and simultaneously notified in the District Employment Exchange on 15.12.1997. Through a letter dated 28.01.1998, the District Employment Exchange furnished the list of candidates and the petitioner also applied for the said post. After conducting interview, the school committee selected the petitioner and appointed him as Secondary Grade Teacher on 20.02.1998 in the vacancy post and the petitioner joined duty on the same day. Pursuant to the appointment, the school committee sent proposal to the 3rd respondent on 04.05.1998, however the said proposal was returned on the ground that already a male Secondary Grade Headmaster is working in the school and therefore, appointment of another male Secondary Grade Teacher is not permissible. Challenging the non-approval of the appointment, the petitioner filed a writ petition before this Court in W.P.No.11484 of 1998 and the same is pending. Pending this writ petition, the petitioner was selected and appointed as Secondary Grade Teacher in the Panchayat Union Primary School, by proceedings of the District Elementary Educational Officer, Thiruvarur dated 28.06.2004 and thereafter joined as Secondary Grade Teacher at Panchayat Union Primary School, Pakkam, Koradacheri and retired from service on 31.01.2018 and on extension of service he worked till 31.05.2018 and relieved from service. The main grievance of the petitioner is that the petitioner's service rendered in Ganapathy Aided School was not taken into account and as such the petitioner was placed in the new pension scheme. Therefore, he made representations to the respondents 1 to 4 through 5th respondent on 30.03.2019, for the purpose of pension as done to the similarly placed persons. Since, the petitioner's representation was not considered, the petitioner has filed the present writ petition.

3.Heard Mr.S.N.Ravichandran, learned counsel for the petitioner and Mr.A.Rajaperumal, learned Additional

Government Pleader, appearing on behalf of the respondents.

4.The learned counsel for the petitioner would submit that without going into the merits of the case, it would suffice if a direction is issued to the 1st respondent to consider the representation of the petitioner dated 30.03.2019 and pass orders, within the stipulated time as fixed by this Court.

5.The learned Additional Government Pleader conceded to the submission made by the learned counsel for the petitioner.

6.Thus, without going into the merits of the case, this Court is inclined to direct the 1st respondent to consider the representation of the petitioner dated 30.03.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Education Department, Secretariat, Chennai-9.

2.The Director of Elementary Education,
College Road, Chennai-6.

3.The District Educational Officer, Tanjore.

4.The Block Educational Officer,
Papanasam, Tanjur District.

+1cc to M/s.S.N.Ravichandran , Advocate SR.No. 82045
W.P.No.28066 of 2019
A.SK(25/09/2019)