



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2019

CORAM

THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

W.P. (MD) No.8725 of 2016

and

W.M.P. (MD) .No.16130 of 2017

M.Kaliammal

... Petitioner

-vs-

1.The Secretary,
Department of School Education,
St. George Fort, Chennai.

2.The Director of School Education,
D.P.I. Compound, College Road, Chennai.

3.The District Educational Officer, Tenkasi.

4.The Correspondent,
St.Antony's Girls Higher Secondary School,
V.K. Pudur-627 861, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Ceritiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his proceedings O.Mu.No.6474/A1/2015, dated 07.01.2016 and Quash the same and direct the respondents to count the past service of the petitioner (ie from 01.06.1989 to 31.05.1994) for fixing the salary and pensionary benefits and confer all the consequential benefits.

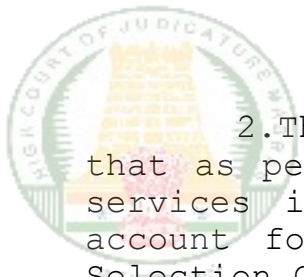
For Petitioner : Mr.S.Chellapandian

For R1 to R3 : Mrs.S.Srimathy
Special Governement Pleader

For R4 : No Appearance

O R D E R

The petitioner seeking inclusion of the services rendered by her in an unaided minority institution.



2.The request of the petitioner was rejected on the ground that as per the relevant G.O viz., G.O.Ms.No.18, dated 09.01.1997, services in the recognized private schools cannot be taken into account for salary fixation, conferment of Special Grade pay or Selection Grade and calculation of pension.

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3.The said question is no longer res integra. A Division Bench of this Court in S.Devakadaksham Vs. District Educational Officer, District Education Office, Villupuram District and others reported in 2006 4 MLJ 1580 had concluded that services in the private recognized Institutions cannot be taken into account for the purpose of refixation, conferment of special Grade and Selection Grade or calculation of pension. Another Division Bench in (W.A.Nos.1267 of 2014 and 40 of 2015) to which I was a party, has followed the judgment of Devakadaksham's case and held that the services in the unaided recognized private schools cannot be taken into account for the purpose of fixation of pay, grant of Special Grade or Selection Grade and for fixation of pension.

4.In view of the categorical pronouncements of the Division Benches of this Court referred to supra, the Writ Petition fails and it stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary,

Department of School Education,
St. George Fort, Chennai.

2.The Director of School Education,

D.P.I. Compound, College Road, Chennai.

3.The District Educational Officer, Tenkasi.

+1. C.C. to M/S.S.Chellapandian, Advocate SR.No. 43386

+1 cc to Special Government Pleader, SR.No. 43779

W.P. (MD) No.8725 of 2016
29.01.2019

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