

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.4117 of 2020

K.Suresh

... Petitioner

-Vs-

1.State of Tamil Nadu

rep.by its Secretary,
School Education Department,
Fort St.George,
Chennai 600 009.

2. The Director of School Education,
DPI Campus,
College Road,
Chennai 600 009.

3.The Joint Director (Higher Secondary)
DPI Campus,
College Road,
Chennai 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Calling for the records of the 2nd respondent in Na.Ka.21319/W1.E1/2019 dated 03/09/2019 and quash the same and consequently direct the respondents to include the name of the petitioner in the panel for the promotion to the post of Higher Secondary School Head Master reckoning the initial date of appointment and rank assigned by Teachers Recruitment Board for the recruitment year 2003 -2004 by following G.O.Ms.No.120 dated 18/07/2006 and the judgment of this Honourable court in W.P.4991 of 2015 as confirmed by the division bench WA.3904/19 and W.p.No.21316 of 2015 dated 12/06/2017.

For Petitioner : Mr.Dakshayani Reddy

For Respondents : Mrs.V.Annalakshmi

Government Advocate

ORDER

The issue that is involved in this Writ Petition is that the petitioner was originally appointed as Teacher on Consolidated basis and, subsequently, he was brought on regular

time scale of pay. However, his seniority was reckoned only from the date of regularization and not from the date of initial appointment.

2. The above issue became the subject matter of challenge in several Writ Petitions and aggrieved by the orders passed by a learned Single Judge in one of the said Writ Petitions, an appeal came to be filed by the Government of Tamil Nadu, whereupon, the Hon'ble First Bench, in W.A.No.3904 of 2019, after considering the submissions made on either side, on 13.01.2020, was pleased to pass the following order :

''4. The learned counsel for the appellants/State submits that the promotion can only be from the date of regularisation and not from any date anterior to the date of regularisation. However, the learned counsel for the respondents/writ petitioners points out the specific admission that has been made by the appellants/State , in para 15 of the grounds of appeal, which reads as under :

" 15.The Learned Judge Justice ought to have considered that with regard to promotion of the respondents herein, among those Secondary Grade Teacher/B.T.Assistant/P.G.Teachers brought into regular time scale with effect from 01.06.2006 vide G.O.Ms.No.99, School Education Department, dated 27.06.2006, the date of initial appointments under contract basis is taken into account already and no injustice caused to them."

5. In view of the statement made in para 15 of the grounds of appeal read with G.O.Ms.No.120, dated 18.07.2006, it is clear that the Government itself had agreed to grant the benefits of seniority from the date of initial appointment and all monetary benefits from the date of regularisation, which is from 01.06.2006.

6. The learned Single Judge has allowed the writ petition, directing the appellants herein to regularise the services of the respondents/writ petitioners from the date of entry into service for the purpose of seniority and extend all monetary benefits following thereof. The learned counsel for the respondents/writ petitioners concedes that the portion of the order which directs payment of monetary benefits from the date of appointment may be deleted. The learned counsel agrees that the

seniority of the writ petitioners be reckoned from the date of initial appointment and monetary benefits be given from the date of regularisation, i.e., from 01.06.2006.

In view of the submissions made, the Writ Appeal is allowed in part to the extent mentioned above. No costs. Consequently, C.M.P.No.24538 of 2019 is closed.''

3. Therefore, the issue involved in this Writ Petition is squarely covered by the Division Bench decision of this Court, referred to supra, wherein, the Division Bench has directed the seniority of the petitioners therein to be reckoned from the date of initial appointment and the monetary benefits to be given from the date of regularization.

4. Following the above Division Bench decision of this Court, this Writ Petition is disposed of in similar terms, extending the same relief to the petitioner herein as well. No costs. Consequently, the connected W.M.P.Nos.4872 and 4874 of 2020 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
School Education Department,
Fort St.George,
Chennai 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai 600 009.
- 3.The Joint Director (Higher Secondary)
DPI Campus,
College Road,
Chennai 600 009.

+1 cc to Mrs. Dakshayani Reddy,
counsel for petitioner, Sr.No. 14499/2020

+1 cc to Government Pleader,
Counsel for Respondent, Sr.No. 14662/2020

W.P.No.4117 of 2020

NR(CO)
NSP(19/5/2020)



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