

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4754 of 2020
and
W.M.P.No.5615 of 2020

1.K. Kathiravan
2.D. Dhas
3.S. Murali

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

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

3.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondent to regularize the services of the petitioners from their initial date of appointments till 01.06.2006 with all consequential monetary and service benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr. G. Sankaran

For Respondents : Mrs. V. Annalakshmi,
Government Advocate

O R D E R

The writ petitioners were appointed as Teachers on consolidated basis in the year 2004. By virtue of G.O.Ms.No.120, School Education (Va Se-2) Department, dated

18.07.2006, the writ petitioners were brought on regular time scale of pay from 01.06.2006. However, their seniority was to be reckoned as per the communal allotment rank as determined by the Teachers Recruitment Board.

2. The writ petitioners have filed the instant writ petition for the relief that their seniority must be reckoned from the date of their initial appointment and not from the date of regularisation, though the prayer made in the writ petition reads as under:

"Writ of Mandamus directing the 1st respondent herein to regularize the services of the petitioners from their initial dates of appointments till 01.06.2006 with all consequential monetary and service benefits."

3. Be that as it may, the learned Single Judge, after relying on a judgment of this Court dated 12.06.2017 in W.P.(MD) Nos.21316 and 21317 of 2015 (P.Karthikeyan and Anr., vs. The Commissioner, Most Backward and Denotified Communities Welfare Department, Chennai and Another), has allowed the writ petition.

4. The learned counsel for the respondents 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 writ petitioners points out the specific admission that has been made by the State, in W.A.No.3904 of 2019, 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 W.A.No.3904 of 2019 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 respondents herein to regularize the services of the 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 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.

7. In view of the above submissions made, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate Sr.17497

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srg 16/07/2020