

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 09.03.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.4899 of 2020

R.Sudha

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Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal
Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
3. The District Educational Officer,
Kancheepuram Education Officer,
Kancheepuram.
4. The Block Educational Officer,
Kancheepuram Block,
Kancheepuram.
5. The Correspondent,
Sri Krishna Aided Middle School,
Little Kancheepuram,
Kancheepuram District.

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Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus, directing the respondents to regularize the service of the petitioner in the post of B.T.Assistant (Maths) from the date of initial appointment till 01.06.2006 in the 5th respondent school with all consequential monetary and service benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For RR 1 to 4 : Mr.P.Raja
Government Advocate

ORDER

The petitioner has approached this Court seeking the following prayer:

"To direct the respondents to regularize the service of the petitioner in the post of B.T.Assistant (Maths) from the date of initial appointment till 01.06.2006 in the 5th respondent school with all consequential monetary and service benefits, within a time frame to be fixed by this Court. "

2.Mr.P.Raja, learned Government Advocate takes notice for the respondents 1 to 4. No notice is ordered to the 5th respondent as the order which is proposed to be passed will not cause any prejudice to the party.

3.By consent of the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 to 4, this writ petition is taken up for disposal, at the admission stage itself.

4.Similar issue came for consideration before a learned Single Judge of this Court in Writ Petition No.4991 of 2015. The learned Judge has passed a detailed order on 30.07.2019 and has directed the respondents as found in paragraph No.7 which is extracted herein below:-

"7.In view of the above, this Court finds force in the contention raised by the petitioners and they are entitled for relief / direction sought for in this writ petition. Accordingly, the writ petition is disposed of, with a direction to the 1st respondent herein to regularize the services of the petitioners from the date of entry into service for the purpose of seniority and extend all the monetary benefits following thereof, if any, within a period of two months from the date of receipt of a copy of this order. No costs."

5.Mr.G.Sankaran, learned counsel appearing for the petitioner would submit that as against the directions passed by this Court, as above mentioned, an appeal was filed in Writ Appeal No.3904 of 2019, wherein, the Hon'ble First Bench of this

Court, has accepted and affirmed the directions passed by the learned Single Judge, but, modified the directions as found in paragraph no.6, which is extracted below:-

"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."

6.Mr.P.Raja, learned Government Advocate appearing for the respondents 1 to 4 would submit that the issue is squarely covered by the above order passed by the learned Single Judge as affirmed by the Hon'ble First Bench of this Court with slight modification with regard to the monetary benefits payable from the date of entry into service, as ordered by the learned Single Judge.

7.In view of the issue being decided by both the learned Single Judge as well as by the Hon'ble First Bench of this Court, this Court would dispose of the writ petition in terms of the above directions, as the said matter would also cover the petitioner's case herein as well. The direction of the learned Single Judge and the modified directions of the Hon'ble Division Bench would also cover the claim of the petitioner herein. The respondents herein are directed to pass appropriate orders as indicated above, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

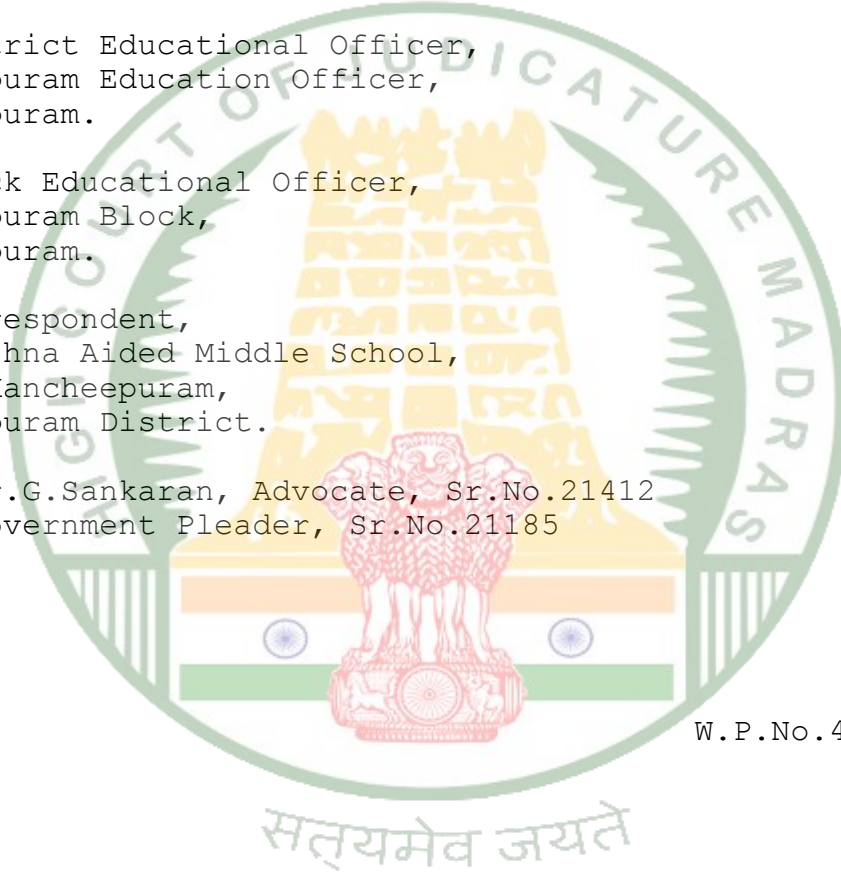
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Sub Assistant Registrar

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To

- 1.The State of Tamil Nadu,
Represented by its Principal
Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
 - 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
 - 3.The District Educational Officer,
Kancheepuram Education Officer,
Kancheepuram.
 - 4.The Block Educational Officer,
Kancheepuram Block,
Kancheepuram.
 - 5.The Correspondent,
Sri Krishna Aided Middle School,
Little Kancheepuram,
Kancheepuram District.
- +1cc to Mr.G.Sankaran, Advocate, Sr.No.21412
+1cc to Government Pleader, Sr.No.21185



W.P.No.4899 of 2020

MG (CO)
GS (02/06/2020)

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