

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 14-02-2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10961 OF 2019

1. R. Kamaraj
2. D. Sudha
3. Thirunavukkarasu, R.
4. M. Tamilvanan
5. D. Revathi
6. V. Rajasekar
7. M. Maadhesh

...Petitioners

-vs-

- 1.The Secretary to Government
Education Department,
Fort St.George, Chennai - 600 009.

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

3. The Chief Educational Officer
Dharmapuri, Dharmapuri District.

4. The District Educational Officer
Dharmapuri, Dharmapuri District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ, order or direction or any other appropriate order in the nature of a Writ of Mandamus, directing the respondents to refix the seniority list of Post Graduate Assistants to the promotion post of Headmaster/Headmistress based on the date of appointment of the petitioners and to fix them in an appropriate place based on the representation of the petitioner 25.10.2018 forthwith.

For Petitioners : Mr.C. Prabakaran

For Respondents : Mrs.V.Annalakshmi,
Government Advocate.

ORDER

The issue that is involved in this Writ Petition is that the petitioners were originally appointed as Post Graduate Assistant Teachers through the Teachers Recruitment Board, and subsequently, they were brought on regular time scale of pay. However, their seniority to the promotion post

of Headmaster / Headmistress was reckoned only from the date of regularisation 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 regularisation.

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 petitioners herein as well. No costs.

Sd/-

Assistant Registrar (CCC)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government, Education Department,
Fort St.George, Chennai - 600 009.

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

3. The Chief Educational Officer
Dharmapuri, Dharmapuri District.

4. The District Educational Officer
Dharmapuri, Dharmapuri District.

+lcc to Mr.C.Prabakaran, Advocate Sr.No.12641

+lcc to The Government Pleader Sr.No.13051

AKM/19.03.2020 /3P-7C/

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