

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33448 of 2014

Mr.T.R.Santhanagopalakrishnan ... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Elementary Education,
Chennai - 600 006.

3.The Chief Educational Officer,
District Education Office,
Coimbatore District.

4.The District Elementary Educational Office,
District Education Office,
Coimbatore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.70, School Education Department, dated 28.05.2014 passed by the first respondent to the petitioner and regularize the petitioner as a Secondary Grade Teacher from the date of his initial appointment with consequential service and monetary benefits.

For Petitioner : Mr.L.Mouli
For Respondents : Mr.S.Suresh Kumar
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.70, School Education Department, dated 28.05.2014 passed by

the first respondent to the petitioner and regularize the petitioner as a Secondary Grade Teacher from the date of his initial appointment with consequential service and monetary benefits.

2.The case of the petitioner is that the petitioner was appointed as Elementary Grade Teacher at Veraliyur Elementary School, Coimbatore on 20.06.1967. The petitioner's appointment was regularized from 20.06.1967. The petitioner was promoted as Head Master on 01.04.1969 and was posted at Kuppupalayam Elementary School. On 24.09.1969, the petitioner was demoted as Elementary Grade Teacher and continued to work as Elementary Grade Teacher in the Vadavalli Elementary School. On 25.09.1969, the petitioner was absorbed as a Secondary Grade Teacher.

3.It is the further case of the petitioner that thereafter, on 13.09.1979 the petitioner was appointed as Head Master of Chellapanur School and on 06.03.1980, was transferred to Vadavalli Middle School as Secondary Grade Teacher and on 14.12.1988 was further promoted as Senior Grade Mathematics Teacher and retired from service on 31.12.2004.

4.The grievance of the petitioner is that as per G.O.Ms.No.1355, Education, dated 03.08.1967, G.O.Ms.No.297, Education, dated 20.02.1971 and G.O.Ms.No.1994, Education, dated 23.10.1979, the service of the petitioner has to be regularized as a Secondary Grade Teacher from the date of his initial appointment. As per G.O.Ms.No.70, School Education Department, dated 28.05.2014, the services of the similarly situated persons were regularized by the respondents. Hence, seeking to extend the benefit of G.O.Ms.No.70, School Education Department, dated 28.05.2014, the petitioner has filed this writ petition.

5.The learned counsel appearing for the petitioner would submit that though the petitioner retired from service as early as on 31.12.2004, he came to know about the benefits extended to the similarly situated persons belatedly. Hence, the writ petition was filed in the year 2014. He would further submit that the petitioner's service ought to be regularized as a Secondary Grade Teacher from the date of his initial appointment. Accordingly, he prayed for allowing the writ petition.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The grievance of the petitioner is that as per G.O.Ms.No.1355, Education, dated 03.08.1967, G.O.Ms.No.297, Education, dated 20.02.1971 and G.O.Ms.No.1994, Education, dated 23.10.1979, the service of the petitioner has to be regularized as a Secondary Grade Teacher from the date of his initial appointment. Admittedly the petitioner retired from service in the year 2004, however he filed this writ petition after 10 years and there is no proper explanation

for the delay in filing the writ petition.

8.In the absence of proper explanation for the delay in filing the writ petition belatedly, this Court is not inclined to grant the relief sought for in this writ petition. The writ petition is accordingly dismissed. No costs.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

- 1.The Secretary,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
Chennai - 600 006.
- 3.The Chief Educational Officer,
District Education Office,
Coimbatore District.
- 4.The District Elementary Educational Office,
District Education Office,
Coimbatore District.

C.C. To MR.L.MOULI, Advocate SR.NO.39993

W.P.No.33448 of 2014

PVS (CO)
RRI 21/01/2021

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