



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)Nos.8282 & 8284 of 2020

Mr.SP.Subbaiah

...Petitioner in

W.P.(MD)No.8282 of 2020

Miss.A.Umadevi

... Petitioner in

W.P(MD)No.8284 of 2020

-Vs-

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

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

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

...Respondents

in both writ petitions

Prayer in both writ petitions: Writ Petitions - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to regularize the petitioners service from the initial date of appointment till 01.06.2006 with all consequential monetary and service benefits of Teachers in the light of the judgment of this Court in W.P.No.4991 of 2015, dated 30.07.2019 within the time period stipulated by this Court.

For Petitioners : Mr.G.Anto Prince
(in both)

For Respondents : Mr.A.Thiyagarajan,
(in both) Government Advocate



COMMON ORDER

The prayer sought for in these writ petitions is for a Writ of Mandamus, directing the first respondent herein to regularize the petitioners service from the initial date of appointment till 01.06.2006 with all consequential monetary and service benefits of Teachers in the light of the judgment of this Court in W.P.No.4991 of 2015, dated 30.07.2019 within the time period stipulated by this Court.

2. Heard Mr.G.Anto Prince, learned counsel appearing for the petitioners and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.

3.Since the facts of the case in both the writ petitions and the issue raised therein are common, with the consent of both sides, these writ petitions are being disposed of at the admission stage itself, by this common order.

4. Both the petitioners were appointed as P.G. Assistant selected through Teachers Recruitment Board and appointed as such from 01.07.2004 at Government Higher Secondary School, thereafter several Government Orders were issued, whereby, the service of the petitioners have been regularised from 01.06.2006 and accordingly, they have been working.

5. In this context, it is the grievance of the petitioners that, though they joined in service from 01.07.2004 and have been continuously working and their initial appointment itself is pursuant to the regular selection made through Teachers Recruitment Board and even at the time of teachers recruitment and appointment, the petitioners are eligible to hold the post of P.G.Assistant, there can be no impediment for the respondents to regularise the service of the petitioners from the initial date of appointment.

6. In this context, both the petitioners have given a detailed separate representations to the respondents on 07.06.2020 and in this context, the learned counsel appearing for the petitioners would submit that a similar issue was considered by the First Bench of this Court in W.A.No.3904 of 2019, dated 13.01.2020 in the matter of **Government of Tamil Nadu represented by its Secretary, School Education Department vs. T.Kunju Krishnan and others**, where the orders passed by the learned Single Judge in the Writ Court directing the respondents therein to regularise the services of the petitioners therein for the purpose of service benefits but not for back wages or salary having been approved and the Writ Appeal was disposed of accordingly.



7. In this context, the learned counsel for the petitioner relied upon a paragraph-6 of the said judgment, which reads thus:-

"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 petitioner is reckoned from the date of initial appointment and monetary benefits be given from the date of regularisation, i.e., from 01.06.2006."

In that line, if the case of the petitioners is also directed to be considered within a time frame by the respondent, the petitioners would be satisfied, the learned counsel for the petitioner contended.

8. The learned Government Advocate appearing for the respondents would submit that, in the light of the said judgment of the Division Bench, the request of the petitioners would be considered and suitable orders to that effect would be passed on merits, within a time frame.

9. Considering the said submissions made by both sides and after perusing the materials placed before this Court, this Court is inclined to dispose of these writ petitions by passing the following orders:

" that the respondents are hereby directed to consider the representations separately submitted by the petitioners dated 07.06.2020 in the light of the Division Bench judgment in W.A.No.3904 of 2019 and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

10. With this directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

Order made in
W.P.(MD)Nos.8282 & 8284 of 2020
Dated:29.07.2020

Am

SDS (24.08.2020) 4P-4C