



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No.12973 of 2020

(Through Video Conferencing)

WEB COPY

S. John Britto Irudaya Mary

... Petitioner

Vs.

1. The Director of School Education,
College Road, Nungambakkam,
Chennai.

2. The Chief Educational Officer,
Tiruchirappalli District.

3. The District Educational Officer,
Manaparai, Trichy District.

4. The Correspondent
Little Flower Girls Higher Secondary School
Manaparai, Trichy.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 25.08.2020 to grant the selection grade pay with retrospective effect from 02.06.2007 along with all monetary benefits.

For Petitioner : Mr.S.Wilson

For Respondents : Mr.M.Thilagar

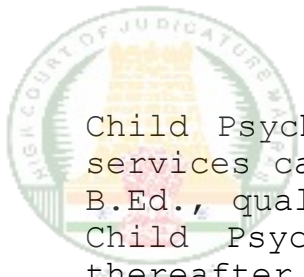
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 25.08.2020 to grant the selection grade pay with retrospective effect from 02.06.2007 along with all monetary benefits.

2. The petitioner, after completing B.Sc., B.Ed., degree, was appointed as Secondary Grade Teacher at the fourth respondent School from 02.06.1997.

3. Subsequently, by virtue of G.O.Ms.No.155 School Education (D2) Department dated 03.10.2002, those who had been appointed as Secondary Grade Teacher with B.Ed., qualification should undergo a



Child Psychology Training and after completing the training, their services can be regularized in the Secondary Grade Teacher post with B.Ed., qualification. Accordingly, the petitioner has undergone the Child Psychology training between 02.05.2003 and 31.05.2003 and thereafter, she has been continuously working as Secondary Grade Teacher. In this regard, it is the grievance of the petitioner that, since the petitioner was appointed in 1997 and has been continuously working as Secondary Grade Teacher, by 01.06.2007, she has completed ten years in Secondary Grade Teacher post. Therefore, she would be entitled to get conferment of selection grade from the said post. Since the said confirmation of selection grade has not been made in respect of the petitioner and so many other juniors of the petitioner have been conferred with the selection grade status, the petitioner has given a representation on 25.08.2020 and since the said representation has not been considered, the petitioner is before this Court.

4. I have heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. The learned Government Advocate would submit that, the said request of the petitioner dated 25.08.2020 would be considered on merits and in accordance with law, and accordingly the plea raised by the petitioner would be decided for the conferment of selection grade to the petitioner on completion of 10 years successful service of Secondary Grade Teacher.

6. The similar issue raised by a similarly placed Teacher in W.P.(MD) No.12611/2020 was also considered by this Court and I have passed some order on 25.09.2020, where I have held as follows:

"10. Considering the aforesaid submissions made by the learned counsel for both sides and having perused the materials placed before this Court, since the issue seeking conferment of selection grade to the petitioner on completion of ten years as Secondary Grade Assistant with effect from 26.08.2007 can very well be considered and orders to that effect can be passed by the respondents pursuant to the representation given by the petitioner dated 27.07.2020, this Court is inclined to dispose of this writ petition with the following order:

That the respondents are hereby directed to consider the representation of the petitioner dated 27.07.2020 and pass necessary orders on merits and in accordance with law to the effect of conferring the selection grade to the petitioner on completion of ten years of service on the petitioner in the Secondary Grade Assistant Post and accordingly, revise the pay revision and corresponding service benefits with effect from 26.08.2007. The necessary orders to that effect shall be passed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order."



7. In view of the above, following the earlier order passed by this Court, this Writ Petition is disposed of with the following orders:

"That the respondents are hereby directed to consider the representation of the petitioner dated 25.08.2020 and pass necessary orders on merits and in accordance with law to the effect of conferring the selection grade to the petitioner on completion of ten years of service on the petitioner in the Secondary Grade Teacher post and accordingly, revise the pay and corresponding service benefits with effect from 02.06.2007. The necessary orders to that effect shall be passed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order."

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

RR

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 Director of School Education,
College Road, Nungambakkam, Chennai.
2. The Chief Educational Officer,
Tiruchirappalli District.
3. The District Educational Officer,
Manaparai, Trichy District.

+1 CC to M/s.S.WILSON, Advocate (SR-18447[F] dated 30/09/2020)
+1 CC to the SPL GP (SR-18480[F] dated 30/09/2020)

W.P. (MD) No.12973 of 2020
29.09.2020

MJ(CO)

CS(29.12.2020) 3P 6C