



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.13157, 13161, 13163 and 13165 of 2020

1.M.Illavarasi	...Petitioner in W.P. (MD) No.13157 of 2020
2.K.Vasanthi	...Petitioner in W.P. (MD) No.13161 of 2020
3.M.Kousalya	...Petitioner in W.P. (MD) No.13163 of 2020
4.M.Uma Maheswari	...Petitioner in W.P. (MD) No.13165 of 2020

-Vs-

1.The State of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Secretariat, Chennai.

2.The Director of School Education,
Chennai-6.

3.The Director of Elementary Education,
Chennai-6.

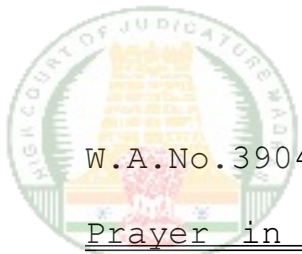
4.The Chief Educational Officer,
Tuticorin.

...Respondents in all petitions

Prayer in W.P. (MD) No.13157 of 2020: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner with effect from the date of appointment i.e. 21.11.2005 for seniority with consequential benefits in the light of the order in W.A.No.3904 of 2019, dated 13.01.2020.

Prayer in W.P. (MD) No.13161 of 2020: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner with effect from the date of appointment i.e. 01.07.2004 for seniority with consequential benefits in the light of the order in W.A.No.3904 of 2019, dated 13.01.2020.

Prayer in W.P. (MD) No.13163 of 2020: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner with effect from the date of appointment i.e. 12.09.2005 for seniority with consequential benefits in the light of the order in



W.A.No.3904 of 2019, dated 13.01.2020.

Prayer in W.P.(MD)No.13165 of 2020: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner with effect from the date of appointment i.e. 01.07.2004 for seniority with consequential benefits in the light of the order in W.A.No.3904 of 2019, dated 13.01.2020.

For Petitioner : Mr.V.Panneer Selvam
(in all petitions)

For Respondents : Mr.A.Thiyagarajan
(in all petitions) Government Advocate

COMMON ORDER

The issue raised in all these writ petitions is one and the same, therefore, by consent of both sides, these writ petitions are heard together and being disposed of by this common order at the admission stage itself.

2.That these petitioners were selected and appointed as B.T.Assistants ofcourse through the regular selection method adopted by the Teacher Recruitment Board sometime in the year 2004-2005 on consolidated pay of Rs.4,000/- per month and subsequently, from 01.06.2006, these petitioners services have been brought under regular time scale of pay and therefore, from 01.06.2006 alone their service have been regularized. In this context, the grievance of the petitioners is that, their service from 21.11.2005, 01.07.2004, 12.09.2005 and 01.07.2004 respectively also to be taken into account for regularisation and for all service benefits.

3.In this context, the learned counsel for the petitioners would submit that, the issue as to whether the service rendered by these kind of people like the petitioners, who are selected and appointed properly prior to 01.06.2006 under consolidated pay can be regularised with effect from the date, they are originally appointed or their services are to be regularised only from 01.06.2006 was decided by the judgment of the Division Bench in W.P(MD).No.3904 of 2019, dated 13.01.2020. Following the same, number of orders have been passed by the Writ Court, where, similarly placed persons were directed to be considered for regularizing their services from the date of their original appointment on joining in service. In this context, the learned counsel relied upon the recent order passed by this Court, where, I had an occasion to consider the similar issue in W.P(MD).No.8282 and 8284 of 2020, dated 29.07.2020, where I had passed the following order:

".....



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. "

4. Relying upon the said decision, the learned counsel appearing for the petitioners would submit that, though these petitioners also are similarly placed as they were selected and appointed in consolidated pay either in the year 2004 or in the year 2005, however, their service has been regularised only from 01.06.2006. Thus these petitioners also are entitled to get their service benefits from the date of original appointment i.e., 2004 or 2005, as the case may be respectively and accordingly, a suitable direction, as in the case of above, dated 29.07.2020 can also be passed in this case.

5. In this context, the learned Government Advocate appearing for the respondents would submit that, a similar direction can be given, accordingly, the issue raised in these writ petitions, based on the representation given by each of the petitioners, dated 17.06.2020, would be considered by the respondents and suitable orders would be passed by taking into account of the earlier orders passed by this Court within a time frame that may be stipulated by



6.I have considered the said submissions made by the learned counsel appearing on both sides and perused the order of the Division Bench and also went through the earlier order dated 29.07.2020. In view of the said order passed by this Court, the issue raised herein is no more res integra and therefore, these petitioners since have also been selected and appointed on consolidated pay in the year 2004-2005, they would also be entitled to get regularisation from the date of their original appointment and not from 01.06.2006, accordingly, these petitioners are also entitled to seek such a relief. Hence, similar order as that of the earlier order as referred to above can be passed in this case also.

7.In that view of the matter, this Court is inclined to dispose of these writ petitions with the following order:

"that the respondents are hereby directed to consider the representations individually submitted by each of the petitioners, dated 17.06.2020 in the light of the Division Bench judgment in W.A.No.3904 of 2019 and the order passed by this Court, dated 29.07.2020 and accordingly, pass necessary orders to that effect, on merits and in accordance with law with regard to the grievance of the petitioners to get regularization of their service, instead of 01.06.2006, from the date of their original appointment in service and accordingly, order shall be passed in respect of each of the petitioners and communicate the same to the petitioners within a period of eight weeks from the date of receipt of a copy of this order."

8.With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

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Sub Assistant Registrar(CS)

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To

1.The Secretary ,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai.



W.P.(MD)Nos.13157, 13161,
13163 and 13165 of 2020

2.The Director of School Education,
Chennai-6.

3.The Director of Elementary Education,
Chennai-6.

4.The Chief Educational Officer,
Tuticorin.

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