



W.P.[MD]No.16672 of 2020 etc Batch.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]Nos.16672, 16675, 16678,16680, 16682 and 16685 of 2020

F.Fortune Ponmalar Rani ... Petitioner in WP(MD). 16672/ 2020
J.P.Karuniam Mary ... Petitioner in WP(MD). 16675/ 2020
P.Kalingaudaiyarpandian ... Petitioner in WP(MD). 16678/ 2020
C.Muthukumaran ... Petitioner in WP(MD). 16680/ 2020
N.Poonkothai ... Petitioner in WP(MD). 16682/ 2020
B.Geetha ... Petitioner in WP(MD). 16685/ 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

PRAYER in all WPs : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the first respondent herein to regularize the petitioner's service from her 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.

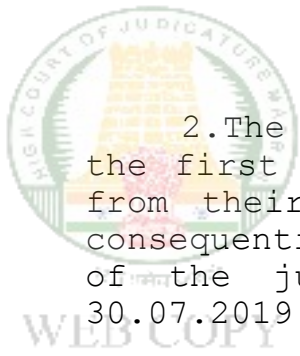
For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.



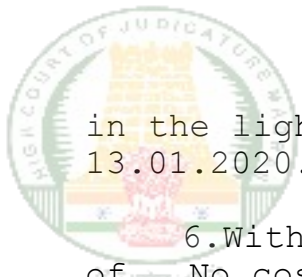
2.The present writ petitions have been filed for a direction to the first respondent herein to regularize the petitioners' service from their initial date of appointment till 01.06.2006 with all consequential monetary and service benefits of Teachers in the light of the judgment of this Court in W.P.No.4991 of 2015 dated 30.07.2019 within the time period stipulated by this Court.

3.The learned counsel appearing for the petitioners would submit that by way of G.O.(Ms) No.55 dated 02.06.2004, an agreement was executed stating that the petitioners would not be entitled to regularization for five years and subsequent thereto, the Government had issued another G.O(Ms) No.99 dated 27.06.2006, by which the Government reconsidered the decision of appointing the teachers on consolidated pay for a period of 5 years and decided to regularize the services of all the teachers, who were appointed on a consolidated pay vide G.O(Ms) No.100 dated 27.06.2006 by regularizing their services with effect from 01.06.2006, which is against rule of law and in violation of Principles of natural justice. In this regard, the petitioners submitted a detailed representation dated 02.11.2020 requesting to regularize the service from their initial date of appointment till 01.06.2006 with all consequential monetary and service benefits of Teachers. However, the respondents have not taken any steps till date. Therefore, without any other options, the petitioners approach this Court for appropriate orders.

4.The learned Additional Government Pleader appearing for the respondents would fairly submit that in a similar case in W.A.No.3904 of 2019 dated 13.01.2020 a Division Bench of this Court has passed an order directing the respondents to regularize the services of the candidates from the date of initial appointment till 01.06.2006 without any monetary benefits. The relevant portion of the said order is extracted hereunder:-

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.

5.In view of the above, this Court directs the first respondent to dispose of the petitioners' representation dated 02.11.2020 within a period of eight weeks on merits and in accordance with law,



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in the light of the order of this Court in W.A.No.3904 of 2019 dated 13.01.2020.

6. With the above direction, these Writ Petitions are disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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.

+6 CCs to M/s.G.ANTO PRINCE, Advocate (SR-22810, 22812, 22808, 22811, 22813, 22814[F] dated 26/11/2020)

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16680, 16682 and 16685 of 2020

24.11.2020

NA (CO)

NR (14/12/2020) 3P : 10C

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