



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

**W.P. (MD) No.18362 of 2020**

Sathiya.N.Gunaseeeli

...Petitioner

Vs

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

2.The Director of School Education,  
D.P.I Campus, College Road,  
Chennai-600 006.

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

...Respondents

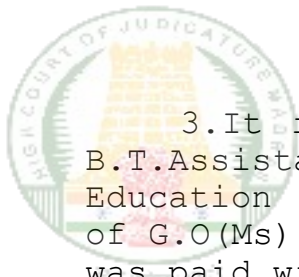
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1<sup>st</sup> respondent to regularize the petitioner's service from her initial date of appointment from 13.12.2005 till 01.06.2006 with all consequential monetary and service benefits of Teachers, in the light of the order of this Court in WP.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.A.Thiagarajan<br>Government Advocate |

**ORDER**

This Writ Petition is filed to direct the 1<sup>st</sup> respondent to regularize the service of the petitioner with effect from 13.12.2005 to 01.06.2006 with all consequential monetary and service benefits.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



3.It is the case of the petitioner that she was appointed as B.T.Assistant on consolidated pay under G.O.(Ms) No.100, School Education Department, dated 27.06.2003 and subsequently, by virtue of G.O(Ms) No.99, School Education Department, dated 27.06.2006, she was paid with time scale of pay with effect from 01.06.2006.

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4.It is the main contention of the petitioner that her original date of appointment was not taken into consideration for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006. In support of her contentions, the petitioner referred the judgment of the Hon'ble Division Bench of this Court in W.A.No.3904 of 2019 dated 13.01.2020, wherein it was held that the teachers are entitled to get the benefits notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

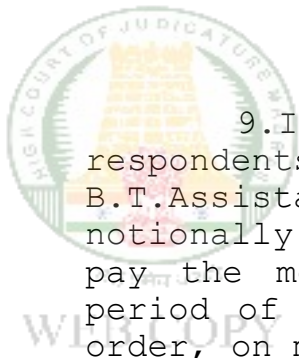
5.Mr.A.Thiagarajan, learned Government Advocate appearing for the respondents would fairly submit that in a similar writ petitions, this Court has passed an order to count the service of the teachers from their initial dates of appointments to 01.06.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

6.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

7.An identical issue came up for consideration before the Hon'ble Division Bench of this Court in W.A.No.3904 of 2019, wherein it was held as follows:-

*"6.The learned Single Judge has allowed the writ petition, directing the appellants herein to regularize 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."*

8.On a perusal of the said judgment, it appears that this Court has passed an order to approve the appointment of the teachers to regularize the service from the date of initial appointment and monetary benefits be given from the date of regularization i.e., from 01.06.2006.



9. In the light of the above, this Court directs the respondents to take into account the petitioner's service as B.T. Assistant from her initial date of appointment to 01.06.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006, within a period of eight weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

10. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Tamilnadu,  
School Education Department,  
Fort St. George,  
Chennai 600 009.
2. The Director of School Education,  
D.P.I Campus, College Road,  
Chennai-600 006.
3. The Director of Elementary Education,  
School Education,  
DPI Campus,  
College Road,  
Chennai 600 006.

+1 CC to Mr.G.ANOTO PRINCE, Advocate (SR-25383[F] dated 14/12/2020 )  
+1 CC to SPL GP ( SR-25539[F] dated 15/12/2020 )

**W.P. (MD) No.18362 of 2020**

**14.12.2020**

VB (30.12.2020) 3P 6C