



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5026 of 2015
& M.P.No.1 of 2015

M.Manikandan

... Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.
3. The District Elementary Education Officer,
The District Elementary Education Office,
Karur.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to extend benefit of G.O.[3D] No.4 School Education Department [Ni.Va3(i)] dated 21.01.2015 to the petitioner also and regularize the petitioner's service with effect from the date of the petitioner's appointment as Secondary Grade Teacher on a consolidated pay and grant consequential benefits arises thereon.

For Petitioner : Ms.P.T.Ramadevi

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

ORDER

This writ petition has been filed seeking regularization of service of the petitioner with effect from the date of his appointment by extending the benefit of G.O.[3D] No.4 dated 21.01.2015, to the petitioner.

2. It is the case of the petitioner that he was appointed as a Secondary Grade Teacher on a consolidated pay on 28.09.2004



at Panchayat Union Middle School, Zamin Authur Village, Aravakuruchi Taluk. Subsequently, his service was regularized with effect from 01.06.2006. According to him, as per G.O.No.116, School Education Department dated 11.09.2003 and the subsequent G.O.[3D] 78, School Education Department, dated 25.05.2012, the services of the petitioner have to be regularized from the date of his initial appointment. He further stated that pursuant to the order of this Court, the first respondent passed G.O.(3D)No.4, School Education dated 21.01.2015, regularising 28 Secondary Grade Teachers who were appointed on consolidated pay from the date of their original appointments, in Karur, Tiruppur, Namakkal, Erode and Trichy Districts, alone. Seeking to extend the benefit of the said Government Orders to him as well, the petitioner sent a representation dated 06.02.2015 to the respondents. Finding no response on the said representation, he has come up with this writ petition for the aforesaid relief.

3.Upon notice, the third respondent filed a detailed counter affidavit, wherein, in paragraph 10, it is stated as follows :

"It is submitted that the petitioner was appointed as Secondary Grade Teacher on consolidated pay on 28.09.2004 and brought under time scale of pay on 01.06.2006. If the petitioner is regularized with effect from 28.09.2004, the same would resulting travesty of justice as they were not at eligible and out of zone of consideration during the selection process in the year 2001 - 2002 and the Government Order in G.O.Ms.No.116 has not nothing to with the secondary grade teachers under Elementary School Unit and claiming the benefits under the above said Government Order is nothing but a mischief deliberately played by the petitioner herein. Admittedly, the petitioner is in service with effect from 28.09.2004 on consolidated pay, while being so, seeking regularization and other monetary benefit with effect from 28.09.2004 on par with regular appointees is not maintainable."

4.The aforesaid averments made in the counter affidavit filed by the third respondent have been stoutly refuted by the learned counsel for the petitioner. However, she submitted that it would suffice, if the representation submitted by the petitioner for the relief claimed in this writ petition, is directed to be considered by the respondent authorities, within a time frame to be stipulated by this Court, for which there is no serious objection raised by the learned Additional Government Pleader appearing for the respondents.



5. In view of the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the respondent authorities to consider the representation of the petitioner dated 06.02.2016, if not already considered and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.[3D]No.4 School Education (Ni.Va3(1)) Department, dated 21.01.2015, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.
3. The District Elementary Education Officer,
The District Elementary Education Office,
Karur.

+1cc to the Government Pleader, S.R.No.15558
+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.14800

W.P.No.5026 of 2015

AKII(CO)
BE(26/07/2021)