

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NOS.42056 AND 42057 OF 2016

P.S.Sham Sihaputheen
M.Krishna Revathi

... Petitioner in W.P.42056/2016
... Petitioner in W.P.42057/2016

Vs.

1. The Government of Tamil Nadu represented by the Secretary to Government, School Education Department, Fort St.George, Chennai - 600 009.
2. The Director of School Education, College Road, Chennai - 600 006.
3. The Joint Director of School Education, College Road, Chennai - 600 006.
4. The Chief Educational Officer, Tirunelveli District, Tirunelveli.
5. The District Educational Officer, Tirunelveli District, Tirunelveli.

... Respondents 1 to 5 in both the W.Ps.

6. The Headmaster Government Higher Secondary School, Veerasigamani, Sankarankoil Taluk, Tirunelveli District.

... 6th Respondent in W.P.42056/2016

6. The Headmaster Govt. Girls Higher Secondary School, Ulundurpet, Villupuram District.

... 6th Respondent in W.P.42057/2016

7. The Headmaster
Government Higher Secondary School,
Veerasigamani,
Sankarankoil Taluk,
Tirunelveli District.

... 7th Respondent in W.P.42057/2016

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to extend the benefit of G.O.Ms.No.1580 Education Department dated 18.10.1969 and G.O.Ms.No.2357 Education, Science and Technology Department dated 27.12.1988 to the case of the petitioners and protect their last pay drawn of Rs.16650/- and Rs.18470/- respectively, on appointment of the petitioners in the post of B.T.Assistant and B.T.Assistant(Tamil) respectively, in Government Service at Government Higher School, Veerasigamani Sankarankoil Taluk, Tirunelveli District, with effect from 12.03.2009 and 21.12.2012 respectively and pay arrears of salary.

For Petitioner : Mr.R.Saseetharan

For Respondents: Mr.A.Rajaperumal for R1 to R5
Additional Government Pleader

COMMON ORDER

Heard both sides and perused the materials available on record.

2.The learned counsel appearing for the petitioners submitted that the petitioners made representation dated 26.07.2016 and 25.07.2016 respectively, to the respondents seeking to extend the benefit of G.O.Ms.No.1580, Education Department, dated 18.10.1969 and G.O.Ms.No.2357, Education, Science and Technology Department, dated 27.12.1988 to them but the same have not been considered by the respondents. Hence, the petitioners have filed these writ petitions.

3.The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that knowing the consequences of the effect of Ruling 6 under Rule 22-B of the Fundamental Rules, the petitioners have chosen to join in the Government School as direct recruit and they have also not challenged Ruling 6 under Rule 22-B of the Fundamental Rules in these writ petitions. Hence, no remedial order is necessary to fulfill the prayer sought for by the petitioners.

4.In view of the above, this Court without expressing anything on merits, directs the first respondent to consider the petitioners representations dated 26.07.2016 and 25.07.2016 respectively and pass appropriate orders, on merits and in accordance with law, within a period eight weeks from the date of receipt of a copy of this order.

5.With the above direction, these writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Joint Director of School Education,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
5. The District Educational Officer,
Tirunelveli District, Tirunelveli.
6. The Headmaster
Government Higher Secondary School,
Veerasigamani, Sankarankoil Taluk,
Tirunelveli District.
7. The Headmaster
Govt. Girls Higher Secondary School,
Ulundurpet, Villupuram District.

+2cc to Mr.R.Saseetharan, Advocate, S.R.No.15108
+1cc to the Government Pleader, S.R.No.16103

W.P.Nos.42056 and 42057 of 2016

CP(CO)
CS/21/04/2021