



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.22754 OF 2021

AND

W.M.P.NOS.23978 & 23979 OF 2021

(Through Video Conferencing)

Mrs.Sugi Premavathi

... Petitioner

.Vs.

1. The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Chengalpattu, Chengalpattu District.
3. The District Educational Officer,
The Office of the District Educational Officer,
Kancheepuram, Kancheepuram District - 631 001.
4. The District Educational Officer,
The Office of the District Educational Officer,
St. Thomas Mount, Chromepet,
Chennai.
5. The Correspondent,
Anderson Higher Secondary School,
Kanchipuram - 631 501.
6. The Correspondent,
C.S.I. Corley Higher Secondary School,
13, MES Road, East Tambaram,
Chennai - 600 059.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 02.09.2021 in Na.Ka.No.0828/A2/2021 on the file of the third



respondent and quash the same, directing the respondents to grant service and monetary benefits to the petitioner on par with regular teachers, in the light of the judgment of this Hon'ble Court dated 24.08.2016, reported in (2016) 7 MLJ 155 Secretary to Government vs. S.Jeyalakshmi.

For Petitioner : M/s.Father Xavier Associates

For Respondents

For R1 to R4 : Mr.L.S.M.Hasan Fizal
Government Advocate

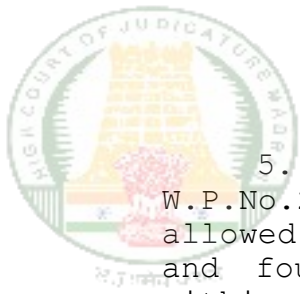
ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first to fourth respondents.

2. The petitioner was appointed in the fifth respondent School in the year 2011. The third respondent by his proceedings dated 14.08.2015 has granted approval to the appointment of the petitioner subject to the final outcome of the order passed by this Court in Secretary to Government and others Vs S.Jeyalakshmi and another, (2016) 7 MLJ 155 which came to be disposed by an order dated 24.08.2016. Thereafter, the petitioner was transferred from the fifth respondent School to the sixth respondent School which is within the jurisdiction of the fourth respondent herein.

3. By the impugned order dated 02.09.2021, the fourth respondent has asked the petitioner to approach the third respondent for sanctioning of the incentives/increments as the petitioner was appointed with the fifth respondent School under the jurisdiction of the third respondent.

4. This Writ Petition is being disposed at the time of admission in the light of the fact that under a similar circumstances, by an order dated 21.10.2021 in W.P.No.22382 of 2021, the relief has been granted to a teacher who was transferred from one School to another under the corporate management. There is no justification in not granting incentives/increments to the petitioner if the petitioner was otherwise eligible for the same merely on the ground that the petitioner was originally approved by the third respondent but subsequently transferred within the jurisdiction of the fourth respondent. Both the third respondent and the fourth respondents are part of the same Government establishment and function under the functioning under the jurisdiction of the first respondent.



5. Considering the same and in view of the order passed in W.P.No.22382 of 2021 dated 21.10.2021, this Writ Petition is allowed with consequential relief to the petitioner. The third and fourth respondents are directed to implement the order within a period of eight weeks from the date of receipt of a copy of this order.

6. In any event, the petitioner may additionally is directed to file suitable representation along with a copy of this order through the sixth respondent along with the other documents within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of School Education,
Directorate of School Education,
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Chennai - 600 006.
2. The Chief Educational Officer,
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3. The District Educational Officer,
The Office of the District Educational Officer,
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Kanchipuram - 631 501.



6. The Correspondent,
C.S.I. Corley Higher Secondary School,
13, MES Road, East Tambaram,
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+2ccs to M/s.Father Xavier Associates, Advocate, S.R.No.55437
+1cc to the Government Pleader, S.R.No.55840

W.P.NO.22754 OF 2021 AND
W.M.P.NOS.23978 & 23979 OF 2021

GPL(CO)
PBS/03/12/2021