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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23635 of 2021
and
W.M.P.No.24883 of 2021

(Through Video Conferencing)

M.Ananda Mary

...Petitioner

Vs

1. The Commissioner of School Education,
DPI Campus,
College Road, Chennai - 6.
2. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Educational Officer,
The Office of the District Educational Officer,
Chennai Central,
Government Model Higher Secondary School Campus,
Saidapet, Chennai - 600 015.
4. The Correspondent,
Santhome Higher Secondary School,
No.143, Santhome High Road,
Chennai - 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to act upon the Order of this Hon'ble Court as reported in (2016) 7 MLJ 155 Secretary to Government v. S.Jeyalakshmi, in the batch of writ petitions, to regularize the service of the petitioner with all service and monetary benefits from the date of the appointment of the petitioner.

For Petitioner : M/s. Father Xavier Associates

For Respondents :

For R1 to R3 : 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 third respondents.

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2. The petitioner was appointed as a B.T.Assistant (Social Science) way back in the year 2012 i.e., on 06.06.2012, by the fourth respondent Minority Aided School.

3. It is the case of the petitioner that the petitioner has drawn regular salary after an approval accorded by the third respondent on 21.03.2017 bearing reference in Na.Ka.No.2865/Aa1/2016. It is further case of the petitioner that the respondents have however not sanctioned the annual increments which the petitioner is entitled to. Under these circumstances, a proposal was sent by the fourth respondent School to the third respondent on 02.03.2020 which was returned by the third respondent for pointing out certain defects by a communication dated 21.10.2020.

4. Appearing on behalf of the petitioner, the learned counsel submits that the proposal was re-submitted carrying out all the corrections on 11.01.2021.

5. The learned counsel for the petitioner further submits that the respondents have not acted on the proposals submitted by the fourth respondent School. The learned counsel for the petitioner further submits that the issue is no longer res integra and is covered by plethora decisions of this Court as detailed below:-

(i) Secretary to Government, Chennai and others Vs S.Jeyalakshmi and another passed in W.A.Nos.213 and 572 of 2016, W.P.Nos.11983 of 2016 etc batch dated 24.08.2016.

(ii) Sangu Kumar Vs The Director of School Education, Chennai and others passed in W.P.(MD).No.16428 of 2018 dated 26.07.2018.

(iii) Anna Boys Higher Secondary School Vs The Director of School Education, Chennai and others passed in W.P.(MD).No.20203 of 2018 dated 05.02.2020.

(iv) S.M.Shanthi Vs The District Educational Officer, Sivagangai District and others passed in W.P.(MD).No.8807 of 2021 dated 29.04.2021.

(v) Mrs.Flora Motcha Rakini.B Vs The Government of Tamil Nadu, Chennai and others passed in W.P.Nos.17887, 17888 & 17891 of 2021 dated 26.08.2021.

(vi) Y.Priya Vs The Government of Tamil Nadu, Chennai and others passed in W.P.No.17687 of 2021 dated 24.08.2021.

(vii) Mrs.A.Alphonse Mary Vs The Commissioner for School Education, Chennai and others passed in W.P.No.20523 of 2021 dated 24.09.2021.

6. The learned counsel for the petitioner has also drawn attention to the opinion of the erstwhile learned Special Government pleader (Education) in the case of one V.Vijaya



vide an opinion dated 29.11.2019. It is submitted that the respondents have accepted the views of the erstwhile learned Special Government Pleader (Education) in the light of the decision of the Hon'ble Division Bench of this Court in Secretary to Government, Chennai and others Vs S.Jeyalakshmi and another, (2016) 7 MLJ 155 passed in W.A.Nos.213 and 572 of 2016, W.P.Nos.11983 of 2016 etc batch vide order dated 24.08.2016.

7. Appearing on behalf of the first to third respondents, the learned Government Advocate submits that the proposal which was resubmitted on 21.10.2020 will be considered and disposed on merits in accordance with law in the light of the decisions cited by the learned counsel for the petitioner.

8. Recording the same, this Writ Petition is disposed by directing the second and third respondents to consider the proposal and pass appropriate orders within a period of sixteen weeks from the date of receipt of a copy of this order duly considering the decisions cited above. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

- 1.The Commissioner of School Education,
DPI Campus,
College Road, Chennai - 6.
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Panagal Building, Saidapet, Chennai - 600 015.
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Chennai Central,
Government Model Higher Secondary School Campus,
Saidapet, Chennai - 600 015.

+2ccs to M/s. Father Xavier Associates, Advocate SR. No.57089

W.P.No.23635 of 2021

and

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