



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) No.16014 of 2019

R.Kayalvizhi

... Petitioner

vs.

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.

2.The Joint Director of School Education (VOC),
College Road,
Chennai - 06.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to fix the time scale of pay from 10.06.2002 based on G.O.Ms.No.74, School Education Department, dated 10.06.2002 and consequently, to regularize the petitioner from 10.06.2002 based on her representations, dated 02.03.2019 and 06.05.2019.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner has filed this Writ Petition, to direct the respondents to fix the time scale of pay from 10.06.2002, based on G.O.Ms.No.74, School Education Department, dated 10.06.2002 and consequently, to regularize her from 10.06.2002, based on her representations, dated 02.03.2019 and 06.05.2019.

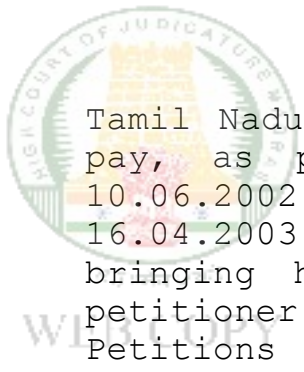
2.According to the petitioner, she was appointed as part time Vocational Instructor (Dress Designing and Making) on 27.06.1996 in the Government Girls Higher Secondary School, Pattukottai. Further, according to the petitioner, even though she was appointed as Part time Vocational Instructor, she was working as Double part time Vocational Instructor and has taken 24 periods per week. The Government has issued G.O.Ms.No.74, School Education



Department, dated 10.06.2002, to regularize the part time Vocational Instructors, prescribing the cut-off date as 20.09.1996. The petitioner was appointed earlier to the said cut-off date. Since the respondents have not considered the same, the petitioner filed an application in O.A.No.1314 of 2003 before the Tamil Nadu Administrative Tribunal to bring her on time scale of pay, as per G.O.Ms.No.74, School Education Department, dated 10.06.2002. The said O.A was allowed by an order, dated 16.04.2003. Even though the petitioner was granted the relief of bringing her in time scale of pay on 16.04.2003 itself, the petitioner filed the following Writ Petitions and Contempt Petitions to get the said relief viz., W.P.No.11490 of 2005, W.P.No.1892 of 2008, W.P.No.3285 of 2011 and Cont.P.No.36 of 2006 and Cont.P.No.1739 of 2007. When Cont.P.No.36 of 2006 was taken up for hearing, the learned Government Advocate produced the proceedings of the Director of School Education, dated 22.11.2005, for regularization of part time Vocational Instructors in regular time scale of pay including the petitioner. Based on the said proceedings, the Contempt Petition was closed. Subsequently, the Government passed G.O.Ms.No.35, School, Education Department, dated 09.02.2007, permitting the Director of School Education to fill up the existing 201 Vocational Instructors Post including 44 part time Vocational Instructors appointed prior to 20.09.1996. The petitioner's name was in Serial No.36 in the said Government Order. In spite of the same, her juniors S.Sivagamasundari and N.Ramachandran, who were appointed long after the petitioner ie., 21.09.1999 and 01.06.2000 were brought on time scale of pay on 10.06.2002 and 09.02.2007 respectively and the said S.Sivagamasundari was regularized by proceedings, dated 27.01.2004. So far, no action has been taken on the side of the respondents, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. From the materials available on record, it is seen that the petitioner was appointed as part time Vocational Instructor (Dress Designing and Making) on 27.06.1996 in the Government Girls Higher Secondary School, Pattukottai. Further, according to the petitioner, even though she was appointed as Part time Vocational Instructor, she was working as Double part time Vocational Instructor and has taken 24 periods per week. The Government by G.O.Ms.No.74, School Education Department, dated 10.06.2002, ordered regularization of part time Vocational Instructors, who were appointed on or before 20.09.1996. The petitioner was appointed earlier to the said cut-off date. The respondents did not grant the said benefit to the petitioner. Hence, the petitioner filed an application in O.A.No.1314 of 2003 before the



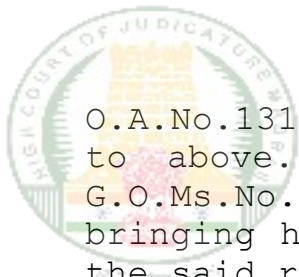
Tamil Nadu Administrative Tribunal to bring her on time scale of pay, as per G.O.Ms.No.74, School Education Department, dated 10.06.2002. The said O.A was allowed by an order, dated 16.04.2003. Even though the petitioner was granted the relief of bringing her in time scale of pay on 16.04.2003 itself, the petitioner was driven to insist of filing the following Writ Petitions and Contempt Petitions to get the said relief viz., W.P.No.11490 of 2005, W.P.No.1892 of 2008, W.P.No.3285 of 2011 and Cont.P.No.36 of 2006 and Cont.P.No.1739 of 2007.

5.When the Contempt Petition in Cont.P.No.36 of 2006 was taken up for hearing, the learned Government Advocate produced the proceedings of the Director of School Education, dated 22.11.2005, for regularization of part time Vocational Instructors in regular time scale of pay including the petitioner. Based on the said proceedings, the Contempt Petition was closed. Subsequently, the Government passed G.O.Ms.No.35, School, Education Department, dated 09.02.2007, permitting the Director of School Education to fill up the existing 201 Vocational Instructors Post including 44 part time Vocational Instructors appointed prior to 20.09.1996. The petitioner's name is in Serial No.36 in the said Government Order. In spite of the same, her juniors S.Sivagamasundari and N.Ramachandran, who were appointed long after the petitioner ie., 21.09.1999 and 01.06.2000 were brought on time scale of pay on 10.06.2002 and 09.02.2007 respectively and the said S.Sivagamasundari was regularized by proceedings, dated 27.01.2004.

6.Further, according to the petitioner, in spite of various orders passed by the Tribunal and this Court from the year 2003, the petitioner was brought on time scale of pay only on 22.06.2018. The petitioner has furnished the date of appointment and date of time scale of pay given to the petitioner, S.Sivagamasundari and N.Ramachandran in a tabular column in paragraph No.9 of the affidavit filed in support of the Writ Petition, which reads as follows:-

Sr.No.	Name of the person	Date of appointment	Date of time scale of pay
1.	R.Kayalvizhi	27.06.1996	21.06.2018
2.	S.Sivagamasundari	21.09.1999	10.06.2002
3.	N.Ramachandran	01.06.2000	09.02.2007

7.From the above materials, it is clear that the petitioner is entitled to the benefit of G.O.Ms.No.74, School Education Department, dated 10.06.2002 and the said benefit was given to the petitioner by the Tribunal, by order, dated 16.04.2003 in



O.A.No.1314 of 2003 and by this Court in Writ Petitions referred to above. Even though the petitioner's name was included in G.O.Ms.No.35, School Education Department, dated 09.02.2007, for bringing her in time scale of pay, the petitioner was not granted the said relief, but her juniors were granted the said relief.

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8.In view of the above facts, the petitioner is entitled to the relief sought for in the Writ Petition. The respondents are directed to fix the time scale of pay to the petitioner from 10.06.2002, when the petitioner's juniors S.Sivagamasundari and N.Ramachandran were brought on time scale of pay and regularize her service, when her juniors were regularized and pay all arrears and salary from the year 2002.

9.With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

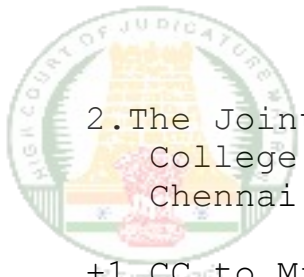
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Note :

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 to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.



2.The Joint Director of School Education (VOC),
College Road,
Chennai - 06.

+1 CC to Mr.R.SARAVANAN, Advocate (SR-19616[F] dated 18/06/2021)

+1 CC to SPL GP (SR-19750[F] dated 21/06/2021)

**W.P(MD)No.16014 of 2019
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