



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.16078, 16079, 16080, 16081, 16082,
16083 and 16084 of 2020

P.G.Dhanalakshmi	... Petitioner in W.P.16078/2020
S.Shanmuga Vadivel	... Petitioner in W.P.16079/2020
C.Prakasam	... Petitioner in W.P.16080/2020
V.R.Siva	... Petitioner in W.P.16081/2020
D.Umamaheswari	... Petitioner in W.P.16082/2020
G.Sangeetha	... Petitioner in W.P.16083/2020
T.N.Mehthab Parveen	... Petitioner in W.P.16084/2020

vs.

1. The State of Tamilnadu,
Rep. by its Principal Secretary,
School Education Department,
Fort. St. George, Chennai 600 009.

2. The Director of Elementary Education,
DPI Compound, College Road,
Chennai 600 006. ... Respondents in all writ petitions

Common Prayer in W.P.Nos.16078 to 16084 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to regularize the services of the petitioner from the initial date of appointment till 01.06.2006 with all consequential monetary and service benefits.

In All Writ petitions

For Petitioner : Mr.Partricks in all WPs

For Respondents : Mr.V.Manoharan, Addl.Govt.Pleader in all WPs



COMMON ORDER

All the writ petitions have been filed seeking to issue a Writ of Mandamus, directing the first respondent to regularize the service of the petitioners from their initial date of appointment till 01.06.2006.

2. Since the facts and circumstances and the issues involved in the writ petitions are one and the same, this court passes the common order.

3. The case of the petitioners in brief:

The petitioners were initially appointed as Junior Grade Secondary Grade Teachers in the year 2004 and 2005 on consolidated pay of Rs.3000/-. Thereafter, the petitioners were selected through Teachers Recruitment Board and their service was regularized from 01.06.2006, based on the selection list preferred by the Teachers Recruitment Board. Then, they were promoted as Secondary Grade Teacher/ B.T.Assistant/ Elementary School Headmaster.

3.1. As per G.O.Ms.No.100 dated 27.06.2003, the Government took decision that the vacancies that are available on 01.06.2003 in various Panchayat, Union Schools, High Schools and Higher Secondary Schools shall be downgraded and re-designated as Junior Grade Secondary Grade Teacher, Junior Grade B.T.Assistant and Junior Grade PG Assistant on consolidated pay. There was no correspondent amendment to the service Rule.

3.2. As per G.O.Ms.No.99 dated 27.06.2006, the service of all the teachers, who were appointed on a consolidated pay, vide G.O.Ms.No.100 dated 27.06.2003, shall be regularised with effect from 01.06.2006. Accordingly, the petitioners service was regularised from 01.06.2006.

3.3. The grievance of the petitioners is that, the period between the date of initial appointment and 01.06.2006 has not been regularized, despite they made several representations. Hence these writ petitions.

4. The learned Additional Government Pleader submitted that originally the petitioners were appointed as Junior Grade Secondary Grade Teachers on consolidated pay, after that, the petitioners appeared in the examination conducted by the Teachers Recruitment Board and they were selected based on merits. Therefore, earlier service period on consolidated pay cannot be countenanced for regularisation and the Government has



rightly regularised their service, in accordance with the Rules.

5. Admittedly, the petitioners were appointed as Junior Grade Secondary Grade Teachers on consolidated pay and their appointment was not filled up in the sanctioned posts. Subsequently, the petitioners were also selected by the Teachers Recruitment Board, in accordance with the relevant Rules. The respondents have also regularised their service from 01.06.2006, following the Government Orders. Now, the petitioners sought for regularization from the date of their initial appointment, on which they were appointed under consolidated pay.

6. The learned counsel appearing for the petitioners submitted that this court in similar matters in W.P.No.4991 of 2015 dated 30.07.2019 and W.P.No.27923 of 2019 dated 27.11.2019, has directed the respondents to regularize the service of the petitioners therein from the date of their original appointment. Therefore, on the same line, the respondents may be directed to consider the representations of the petitioners to regularise their service from the date of their original appointment.

7. In view of the above, this court is inclined to pass the following order.

i) Liberty is granted to the petitioners to make their individual representations before the Director of Elementary Education, the second respondent herein, within two weeks from the date of receipt of a copy of this order.

ii) On such individual representations being made by the petitioners, the second respondent is directed to consider their request individually and pass orders in accordance with law, by taking note of the decisions of this court in W.P.No.4991 of 2015 dated 30.07.2019 and W.P.No.27923 of 2019 dated 27.11.2019, within a period of twelve weeks from the date of receipt of the representation.

8. With the above directions, all the Writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mst



To

1. The Principal Secretary,
State of Tamilnadu, School Education Department,
Fort. St. George,
Chennai 600 009.

2. The Director of Elementary Education,
DPI Compound,
College Road, Chennai 600 006.

+lcc to Mr.K.R.Gunashekar, Advocate SR.No.17188
+lcc to the Government Pleader SR.No.17407

W.P.No.16078 to 16084 of 2020

KV(CO)
GN(01/04/2022)