



W.P.(MD)Nos.3887, 3891 & 3895 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.3887, 3891 & 3895 of 2020

and

W.M.P(MD)Nos.3279, 3280, 3287, 3288, 3296 & 3297 of 2020

W.P.(MD)No.3887 of 2020

Muthuramalingam

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary
School Education Department,
Fort St. George,
Chennai - 600 009

2. The Director of School Education
DPI Campus,
College Road,
Chennai - 600 006

3. The Chief Educational Officer,
Ramnad,
Ramnad District.

... Respondents



W.P.(MD)Nos.3887, 3891 & 3895 of 2020

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent herein in his proceedings in Na.Ka.No.3720/W.1/E1/2019, dated 16.11.2019 and to quash the same in so far as the petitioner is concerned and to direct the 2nd respondent to fix the seniority of the petitioner taking into account of his original date appointment of 25.06.2004 for the purpose of promotion to the post of Head Masters and Headmistresses of Higher Secondary Schools under the control the respondents.

W.P.(MD)No.3891 of 2020

S.Balakrishnan

... Petitioner

Vs.

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

2.The Director of School Education
DPI Campus,
College Road,
Chennai - 600 006

3.The Chief Educational Officer,
Madurai,
Madurai District.

... Respondents



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W.P.(MD)No.3895 of 2020

Maruthu Pandian

... Petitioner

Vs.

1.The Government of Tamil Nadu,
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Chennai - 600 009

2.The Director of School Education
DPI Campus,
College Road,
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3.The Chief Educational Officer,
Ramnad,
Ramnad District.

... Respondents

3/11



W.P.(MD)Nos.3887, 3891 & 3895 of 2020

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In all petitions

For Petitioners : Mr.G.Chandrasekar

For Respondents : Mr.S.Saji Bino

Special Government Pleader

COMMON ORDER

The learned counsel for the petitioners submitted that the issue involved in these cases is no longer *res integra* in view of the covered common judgment made in W.A.(MD) Nos.299 of 2020 etc.,



W.P.(MD)Nos.3887, 3891 & 3895 of 2020

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batch, dated 01.06.2021. The following is the relevant portion of the order passed :

"57. In our considered view, the said decision regularising the teachers, who were appointed in the year 1990 can be of no assistance to respondents 1 to 18 herein. The reason being the terms and conditions of their appointment and how they were treated at the first instance. Above all, respondents 1 to 18, having accepted the appointments, joined the post, worked on consolidated wages and having enjoyed the benefit of regularisation granted in 2006, which itself was a big concession granted to them, are wholly estopped from contending that the services rendered by them as Junior Grade Teachers on consolidated pay should also be reckoned for all purposes including monetary benefits. The plea is thoroughly misconceived. Equally the decision in W.P.Nos.21316 and 21317 of 2015 can in no manner advance the case of respondents 1 to 18.



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W.P.(MD)Nos.3887, 3891 & 3895 of 2020

58. The learned counsel has placed reliance on the decision in the case of Direct Recruit Class II Engineering Officers Association vs. State of Maharashtra & Ors., [(1990) 2 SCC 715]. This decision can be made applicable to determine the status of a person, who was appointed to a post according to the rule and status of a person, who was appointed on ad hoc basis and not according to rules. In the first category of cases, it has been held that they should be given the benefit of seniority and their period of service shall be counted from the date of their appointment and not from the date of their regularisation or confirmation. This decision cannot be applied to the case of respondents 1 to 18, as they were appointed to a post, which was a post created by downgrading an existing post, given a different nomenclature, viz. Junior Grader Teacher with salary paid on consolidated basis. The terms and conditions of recruitment were made known to all the candidates including respondents 1 to 18. Therefore, they can never raise a plea that their recruitment having been



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W.P.(MD)Nos.3887, 3891 & 3895 of 2020

done by TRB, is in accordance with the Rule and therefore, their seniority should be counted from the date of appointment. It may be true that the recruitment was done by the TRB, but it was a special recruitment for a specific purpose to a special category of post with wages on consolidated basis. Therefore, the decision of the Hon-ble Supreme Court cannot be applied to the case of respondents 1 to 18.

59. That apart, the belated attempt made by the respondents / writ petitioners is liable to be rejected for several reasons. Firstly, they are estopped from contending contray to the Government Orders, contrary to the terms and conditions of the Government Orders and contrary to the conditions contained in the agreement to which they have agreed. Secondly, the challenge to the policy decision to downgrade the post to that of the Junior Grade Teacher was rejected and the decision of the Government has been upheld. The request made by some of the teachers to reckon the period of service prior to 01.06.2006 was



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W.P.(MD)Nos.3887, 3891 & 3895 of 2020

directed to be considered by the Director of School Education pursuant to an order passed in a writ petition. The representation was considered and rejected and the same has not been challenged and after lapse of nearly fourteen years, suddenly the respondents / writ petitions have come up with this fanciful claim, which is absolutely untenable and unsustainable in law.

60. The present attempt of the respondents / writ petitioners is to march over the regularly promoted PG Assistants, who are only 62 number, whereas the Junior Grade Teachers, like the respondents / writ petitioners are more than 3000. Thus, the relief sought for by the respondents / writ petitioners is misconceived and liable to be rejected and accordingly, rejected.

61. In the result, the writ appeals are allowed and the orders and directions issued in the writ petitions are set aside and consequently, the writ petitions are dismissed.



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W.P.(MD)Nos.3887, 3891 & 3895 of 2020

No costs. Consequently, connected miscellaneous petitions are closed."

2. These Writ Petitions are dismissed, in terms of the aforesaid order passed by the Division Bench of this Court. No Costs. Consequently, connected miscellaneous petitions are closed.

06.12.2022

Index :Yes/No
Internet : Yes / No
RM



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To
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W.P.(MD)Nos.3887, 3891 & 3895 of 2020

M.DHANDAPANI, J.

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W.P.(MD)Nos.3887, 3891 & 3895 of 2020

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