



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6155 of 2019

F.Lourds Helen Mettildha ... Petitioner
Vs.

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

2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai - 600 006.

3.The District Educational Officer,
Periyakulam Educational District,
Periyakulam,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in A.Thi.Mu.No.878/Aa4/15, dated 09.04.2015 on the file of the Respondent No.3 and quash the same as illegal and consequently to direct the respondents to regularize the services of the petitioners as Secondary Grade Teachers with effect from the date of appointment ie., 19.07.2004 in the light of the order passed by the 1st Respondent for similarly placed Secondary Grade Teachers in G.O.Ms (3D)No.4, School Education (G2) Department, dated 25.01.2015 within the time stipulated by this Court.

For Petitioner :Mr.S.Louis

For R1 To R3 :Mr.G.V.Vairam Santhosh
Addl. Government Pleader

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection, dated 09.04.2015, passed by the 3rd respondent and to regularize the services of the petitioner, as Secondary Grade Teacher, with effect from the date of appointment that is dated 19.07.2004, in the light of the orders passed by the first respondent for similarly placed Secondary Grade Teacher in G.O.Ms.(3D)No.4, School Education (G2) Department, dated 25.01.2015.

2. The petitioner was appointed in the post of Secondary Grade Teacher on 19.07.2004 at the Panchayat Union Primary School, Anuppatty in Andipatty Union in Theni District. The benefit of regularization was granted and the regular time scale of pay was given to these Secondary Grade Teachers with effect from 01.06.2006. Thus, the aggrieved teachers filed writ petitions and those writ petitions were allowed by the High Court. Consequently, the Government implemented the orders of the High Court and granted regularization from the date of initial appointment to the Secondary Grade Teachers in G.O.Ms.(3D)No.4, School Education (G2) Department, dated 25.01.2015. When the case of the similarly placed Secondary Grade Teachers were considered and their services are regularized from the date of initial appointment, the said benefit cannot be denied to the petitioner.

3. The authorities competent are bound to consider wherever certain general benefits are granted to a group of employees. The said benefits are to be extended to all the similarly placed persons and those similarly placed persons need not be driven to the Court unnecessarily, as it may take sometime for redressal of grievances. The very process became unnecessary, as the Courts are bound to consider in respect of such claim in view of the fact that the Government implemented the orders in respect of other similarly placed persons. Therefore, the authorities are expected to apply their mind in a judicious manner in such circumstances. Contrarily the impugned orders passed in the writ petition reveals that the authorities are not even applied their mind and mechanically passed an order by indirectly indicating that the petitioner should go to the Court and get an order.

4. Shifting the responsibility in this manner can never be appreciated, but to be deprecated. Every authority is expected to perform his duties diligently and by applying his mind on the issues placed before the authority. This being the principles to be followed, order of rejection must be fair and reasonable. If the order of rejection is unreasonable, then the responsibility must be fixed on the authority also.



5. In the present case, the benefit of regularization from the date of initial appointment was granted to the secondary grade teachers. Now, the authorities are bound to verify the service particulars of the petitioner and if the petitioner is also similarly placed, then the said benefit is to be extended based on the Government Order passed in G.O.Ms.(3D)No.4, School Education (G2) Department, dated 25.01.2015. This being the principles, the order impugned passed by the 3rd respondent in proceedings A.Thi.Mu.No.878/Aa4/15, dated 09.04.2015, is quashed and the respondents are directed to verify the service records of the petitioner and extend the benefit of regularization from the date of initial appointment of the petitioner, if she is otherwise eligible, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

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

2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai - 600 006.

3.The District Educational Officer,
Periyakulam Educational District,
Periyakulam,
Theni District.

+1 CC to M/s.S.LOUIS, Advocate (SR-6076[F] dated 14/02/2022)

+1 CC to M/s.SPL GP (SR-5937[F] dated 14/02/2022)

W.P. (MD) No.6155 of 2019
11.02.2022

MGJ(11.03.2022) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>