



WP(MD)No.14740 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G.CHANDRASEKHARAN**

W.P.(MD)No.14740 of 2022

M.Krithika

... Petitioner

/vs./

1.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.

2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai – 600 006.

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

4.Block Education Officer,
Block Education Office,
Musiri,
Trichy District.

5.The Head Master,
Union Primary School,
Iyyampalayam,
Trichy District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularise the service of the petitioner from the date of her initial appointment that is from 20.07.2004 and pay the arrears of salary for the said period from 20.07.2004 to 01.06.2006 and also include the said period for calculating all service and monetary benefits by considering the representation of the petitioner dated 04.02.2022 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Sajibino

Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for issuance of a Writ of Mandamus, seeking for a direction to the respondents to regularise the service of the petitioner from the date of her initial appointment ie., from 20.07.2004 and pay the arrears of salary for the said period from 20.07.2004 to 01.06.2006 and also



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include the said period for calculating all service and monetary benefits by considering her representation dated 04.02.2022.

3.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Secondary Grade Teacher on 20.07.2004 and her service was regularized from 01.06.2006. A proposal was sent to regularize her appointment from the date of her initial appointment ie., 20.07.2004. However, her service was regularized from 01.06.2006 instead 20.07.2004, as per the proceedings of the Assistant District Elementary Educational Officer, Musiri, by his proceedings in Na.Ka.No.482/A1/08, on 31.12.2008.

4.The learned counsel appearing for the petitioner further submitted that the services of the persons, who were appointed along with the petitioner on 20.07.2004 were regularized from the dates of their initial appointment ie., on 20.07.2004. The Assistant Elementary Educational Officer, Kuzhithalai, sent a proposal dated 24.02.2015 to the District Educational Officer, Karur, to regularize the petitioner's service from 20.07.2004. Based on the said proposal, the District Educational Officer, Karur, forwarded the proposal to the Director of Elementary



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Education, Chennai, on 17.11.2015 to regularize her service from 20.07.2004. In pursuance to the order passed in WP(MD)No.2501 of 2013, dated 22.10.2013, the Government issued a Government Order in G.O.(3D)No.4, School Education Department, dated 21.01.2015 regularizing the services of 28 secondary grade teachers from the date of their initial appointments. The petitioner is also having the same benefit under this Government Order. Hence, the petitioner made a representation to the respondents on 04.02.2022. Despite her representation dated 04.02.2022, her request for regularization from the date of her initial appointment has not been considered. Therefore, this petition.

5. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.S.Sajibino, learned Special Government Pleader appearing for the respondents.

6. A copy of the G.O.(3D)No.4, School Education Department, dated 21.01.2015 has been produced before this Court. It is seen from the said GO that the services of 28 secondary grade teachers were regularized with effect from the date of their initial appointment on consolidated pay. It is also seen from the



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copies of documents filed in support of this writ petition that a proposal has been forwarded by the District Educational Officer, Karur to the Director of Elementary Education, Chennai, to regularize the services of the petitioner. The Director of School Education sent a proposal to the Principal Secretary, Education Department, for considering regularization of the service of the petitioner from the date of her initial appointment.

7.In this factual background and considering the substance in the claim of the petitioner, this Court directs the first respondent to consider the petitioner's representation dated 04.02.2022 and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. No costs.

08.07.2022

Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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TO:

- 1.The Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 9.
- 2.The Director of Public Health and Preventive Medicine,
DMS Compound,
Teynampet, Chennai – 6.
- 3.The Medical Service Recruitment Board,
Represented by DMS Compound,
Teynampet, Chennai – 6.
- 4.The Deputy Director,
Medical & Rural Health Services and Family Welfare,
Theni, Theni District.
- 5.The District Collector,
Theni, Theni District.

Order made in
W.P.(MD)No.14740 of 2022

Dated:
08.07.2022