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W.P.Nos.13908 to 13921 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.13908 to 13921 of 2015

W.P.No.13908 of 2015 :-

G.Alphonse

...Petitioner

-Vs-

1. The Principal Secretary,
Education Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Elementary Education,
Nungambakkam,
Chennai – 600 006.

3. The District Elementary Education Officer,
O/o. The District Elementary Education Office,
Neela South Street,
Nagappattinam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioner as secondary grade teacher with effect from the date of the petitioner's joining in the service i.e., on 01.12.2005 in the light of the order passed by the first respondent for the similarly placed secondary grade teacher in G.O.Ms.(3D)No.78, School



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Education (G2) Department dated 25.05.2012 and G.O.Ms.(3D).No.4, School Education Department dated 21.01.2015.

In all W.Ps.

For Petitioner : Mr.V.Subramanian

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

COMMON ORDER

All these writ petitions have been filed to direct the respondents to regularize the service of the petitioners as secondary grade teacher with effect from the date of the petitioners' joining in the service, in the light of the order passed by the first respondent for the similarly placed secondary grade teacher in G.O.Ms.(3D)No.78, School Education (G2) Department dated 25.05.2012 and G.O.Ms.(3D).No.4, School Education Department dated 21.01.2015.

2. The petitioners were appointed in the post of secondary grade teacher on consolidated pay of Rs.3000/- on temporary basis and they were joined in service in different dates. Subsequently, vide the government order in G.O.Ms.No.99, School Education Department, dated 27.06.2002, their services were regularized from 01.06.2006 and put on



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regular scale of pay. Some of the similarly placed teachers had approached this Court in W.P.No.879 of 2006 and W.P.No.30734 of 2008 for direction to direct the respondents to regularize their service from the date on which they were appointed as secondary grade teacher on consolidated pay. This Court allowed the above writ petitions and directed the respondents to consider the representation of the petitioners in that petition.

3. Accordingly, the first respondent passed a government order in G.O.Ms.(3D)No.78, School Education (G2) Department, dated 25.05.2012, thereby regularize the service of the petitioners in W.P.No.879 of 2006 and W.P.No.30734 of 2008 from the date of their appointment of service on the consolidated pay. Based on the said G.O.Ms.(3D)No.78, another set of teachers were also filed writ petition before this Court in W.P.No.2501 of 2014 and this Court directed the first respondent to consider their case in the light of G.O.Ms.(3D)No.78, dated 25.05.2012.

4. Accordingly, the first respondent passed another government order in G.O.Ms.(3D) No.4 School Education Department, dated



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21.01.2015, thereby regularize the service of the petitioners in W.P.No.2501 of 2014, from the date of their appointment of service on consolidated pay. Based on those government orders, the petitioners also submitted their representation seeking regularization of their service from the date of their appointment on temporary basis on consolidated pay.

5. While pending these writ petitions, some other similarly placed teachers filed writ petition in W.P.No.4991 of 2015 seeking Writ of Mandamus to regularize their service from the date of their initial appointment with all consequential monetary benefits based on the above said government orders. Though the learned single Judge allowed the writ petition, it was challenged by the government in W.A.No.3904 of 2019. The Hon'ble Division Bench of this Court modified the order to the effect that the seniority of the petitioners be regularized from the date of initial appointment and the monetary benefits shall be given from the date of regularization viz., from 01.06.2006.

6. Aggrieved by the said order some third party teachers filed Review Application before this Court in Rev.Appln.No.60 of 2020, to review the order passed in the writ appeal in W.A.No.3904 of 2019. The Hon'ble Division Bench of this Court after considering the subsequent



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development and the several Government orders, recalled the order passed in writ appeal in W.A.No.3904 of 2019 and allowed the writ appeal in toto, thereby dismissing the writ petition seeking regularization of service from the date of the initial appointment of temporary basis on consolidated pay.

7. That apart, the Hon'ble Division Bench of this Court also ordered that any order passed by this Court placing reliance of the above judgments cannot be given effect to, in view of the order passed in the review application in Rev.Appln.No.60 of 2020. Though some of the teachers were given effect to their regularization from the date of their original appointment on consolidated pay, in view of the order passed by this Court in Rev.Appln.No.60 of 2020, thereby recalling the order passed in W.A.No.3904 of 2019 dated 30.07.2019, the petitioners are not entitled for the relief sought for in these writ petitions.

8. Hence, all the Writ Petitions are devoid of merits and liable to be dismissed and accordingly, dismissed. There shall be no order as to cost.



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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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