



WEB COPY



W.P.Nos.6392 & 6393 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.Nos.6392 & 6393 of 2015

C.Prakash ... Petitioner in W.P.No.6392/15

P. Thirumurugan ... Petitioner in W.P.No.6393/15

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department,
Secretariat, Chennai 600 009

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

3. The District Elementary Educationl Officer,
Villupuram.

4. The Assistant Elementary Educational Officer,
Kallakurichi Union,
Villupuram District.

... Respondents in both W.P.'s

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to count the service of the petitioners rendered as Secondary



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Grade Teacher in the aided Alagappa Middle School, Puttai, Villupuram District, from 13.09.2001 to 10.12.2006 for the purpose of re-fixaion of scale of pay and pension benefits on the basis of the representations dated 25.07.2014 and 26.07.2014.

In both cases:

For Petitioners : Mr.S.N.Ravichandran

For Respondents : Mr.U.M.Ravichandran,
Special Government Pleader

COMMON ORDER

Since the issue involved in both the writ petitions are one and the same, they are disposed of by this common order.

2. The above writ petitions are filed seeking for a direction to the respondents to count the service of the petitioners rendered as Secondary Grade Teacher in the aided Alagappa Middle School, Puttai, Villupuram District, from 13.09.2001 to 10.12.2006 for the purpose of re-fixaion of scale of pay and pension benefits.



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3. The petitioners claimed to have passed D.Ted in July 2000 and July 1998 and have registered their qualifications in the District Employment Exchange. When vacancies arose for the post of Secondary Grade Teacher in the Alagappa Middle School, Puttai, both the petitioners were appointed as Secondary Grade Teachers on 13.09.2001 on permanent vacancy by following the due procedures. The petitioners' appointment were approved by the District Elementary Educational Officer, Villupuram, by proceedings dated 29.01.2002 with effect from 13.09.2001 in the regular scale of pay of Rs.4500 – 125-7000.

4. Through proceedings in Na.Ka.No.7330/A4/2006 dated 02.12.2006 and Na.Ka.No.7330/A4/2006 dated 08.12.2006, the petitioners were appointed as Secondary Grade Teachers, based on the employment seniority. Both the petitioners were relieved on 11.12.2006 forenoon from the Alagappa Middle School, Puttai and they also joined on the same day forenoon at P.U.Primary School, Thentherasalur, Kalakurichi Union and Mottampatty, Shankarapuram Union respectively. After obtaining prior permission from their Department, the petitioners have passed B.Sc., along



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with B.Ed. After the same, the petitioners' names were included in the panel for promotion to the post of B.T.Assistant and they were promoted as B.T.Assistant (Science) and B.T.Assistant (Maths) by the proceedings of the 3rd respondent dated 19.04.2013 & 19.06.2014 respectively and posted at P.U.Middle School, Vadaponparappi and at Palarampet, Kallakurichi Union.

5. The grievance of the petitioners is that the petitioners were treated as fresh appointee and their pay scale was also reduced from what they have last drawn on 11.12.2006. Therefore, the petitioners have made representations dated 25.07.2014 and 26.07.2014 to the respondents 2 to 4, requesting to count their earlier service from 13.9.2001 to 10.12.2006 for the purpose of re-fixation of scale of pay.

6. The learned counsel for the petitioners submitted that vide G.O.Ms.No.18, dated 9.1.97, service rendered by one Thiru.M.Jayaraj, in the unaided recognised school had counted for re-fixation of pay scale and also pension. One Thiru Gabariel Jeletin and P.George Vincent filed



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W.P.No.10758 and 10759 of 2006 before Madurai Bench seeking to apply G.O.Ms.No.18 in their case. When the said writ petition was dismissed by an order dated 26.6.2008, they filed writ appeal (MD) No.291 and 292/2008. By an order dated 26.6.2008 the said writ appeal was allowed and this court directed the respondent-School Department to restore the G.O.Ms.No.18.

7. The learned counsel, in support of his contention, relied upon the order dated 14.06.2022 made in W.P.No.17326 of 2018 in the case of ***M.Beema Vs. the Govt. of Tamil Nadu and others***, wherein this Court has directed the respondents to fix the correct scale of pay to the petitioner therein, by taking into account the service rendered by the petitioner from 11.12.2001 till 16.07.2009 forenoon, at the Government Aided private School and also the subsequent service at the Government Panchayat Union School pursuant to her joining of the said school on 16.07.2009 afternoon and to calculate the arrears of difference of pay and pay the same to the petitioner.



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8. The learned Special Government Pleader appearing for the respondents fairly submits that the order relied upon by the learned counsel for the petitioner in ***M.Beema's*** case (cited supra), squarely applies to the facts and circumstances of the present case.

9. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

10. Following the order dated 14.06.2022 made in W.P.No.17326 of 2018 in the case of ***M.Beema vs. the Government of Tamil Nadu and others***, these Writ Petitions stand Allowed, on the following directions:-

(i) the respondents are directed to consider the representations of the petitioners dated 25.07.2014 and 26.07.2014 and accordingly fix the correct scale of pay to the petitioners by taking into account the service rendered by the petitioners from 13.09.2001 to 10.12.2006 at the aided Alagappa Middle School, Puttai, Villupuram District, pursuant to their joining as Secondary Grade Teachers at P.U.Primary School, Thenthersalur, Kalakurichi Union and Mottampatty,



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Shankarapuram Union respectively and accordingly, calculate the arrears of difference of pay and pay the same to the petitioners.

(ii) The needful as indicated above shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

21.04.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To:

1. The Secretary to Government,
Education Department,
Secretariat, Chennai 600 009
2. The Director of Elementary Education
College Road, Chennai 600 006
3. The District Elementary Educationl Officer,
Villupuram.
4. The Assistant Elementary Educational Officer,
Kallakurichi Union,
Villupuram District.



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J.NISHA BANU, J.,

sts

Common Order made in
W.P.Nos.6392 & 6393 of 2015

Dated:
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