



WEB COPY



W.P.No.22906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22906 of 2023

Y.R.Gauthaman

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
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,
Salem District,
Salem – 636 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pass orders for declaration of probation to the petitioner in the post of P.G.Assistant (Zoology) on completion of two years service from the date of appointment on 09.11.1999 with consequential service benefits, including incentive increment for M.Ed. Degree Qualification, Selection Grade, Special Grade as well as pay revision based on the Pay Commission recommendations, including settlement of retirement benefits and regular



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pension from the date of retirement on 30.04.2023 along with interest for delay in payment, based on the representation dated 02.05.2023, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents to pass orders for declaration of probation to the petitioner in the post of P.G.Assistant (Zoology) on completion of two years service from the date of appointment on 09.11.1999 with consequential service benefits, including incentive increment for M.Ed. Degree Qualification, Selection Grade, Special Grade as well as pay revision based on the Pay Commission recommendations, including settlement of retirement benefits and regular pension from the date of retirement on 30.04.2023 along with interest for delay in payment, based on the representation dated 02.05.2023, within a time frame to be fixed by this Court.



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2.It is the case of the petitioner that he was originally appointed

as Middle School Headmaster on 01.09.1992 and his appointment was duly approved by the Department. Subsequently, he was selected to the post of P.G.Assistant (Zoology) in the Tamil Nadu Higher Secondary Education Service and the appointment order was issued on 09.11.1999 and he was relieved from the post of Middle School Headmaster and he joined the new post on 22.11.1999. On completion of two years of service on 21.01.2001, the petitioner submitted an application for declaration of probation in the post of P.G.Assistant (Zoology). The Headmaster of Malliyakarai Government Higher Secondary School, in which the petitioner was then working, forwarded a proposal to the 2nd respondent seeking declaration of probation of the petitioner, vide proceedings in Na.Ka.No.2/2001-2002, dated 22.11.2001. However, the office of the 2nd respondent has not passed any orders on the proposal submitted. Thereafter, based on the repeated representations made by the petitioner, the Headmaster of Government Girls Higher Secondary School, Attur, forwarded the proposal to the 2nd respondent on 20.04.2017. Since the same was not considered, the petitioner submitted further representations on 18.01.2021 and 12.08.2021 and pursuant to the same, the Headmaster of Government Girls Higher Secondary School, Attur, forwarded the



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proposal to the 2nd respondent in Na.Ka.No.407/2022, dated 21.12.2022.

Even thereafter, the office of the 2nd respondent has not passed orders on the proposal. While so, the petitioner retired from service on 30.04.2023 on attaining the age of superannuation, without declaration of probation in the post of P.G.Assistant (Zoology). Hence, the petitioner is constrained to file the present writ petition seeking direction to the respondents to pass orders on the proposal submitted by the School for declaration of probation of the petitioner.

3.Learned counsel for the petitioner submitted that the petitioner has submitted a representation on 02.05.2023 to the 1st respondent for declaration of probation, and he prayed for a direction to the respondents to pass orders on the representation submitted by the petitioner and on the proposal submitted by the School.

4.Mr.P.Baladhandayutham, learned Additional Government Pleader, who takes notice for the respondents, submitted that the respondents have not received the representation, dated 02.05.2023, stated to have been submitted by the petitioner.



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5. In such view of the matter, the petitioner is directed to submit a fresh representation to the respondents within a week and the respondents shall consider the same along with the proposal sent by the Headmaster of Government Girls Higher Secondary School, Attur, in Na.Ka.No.407/2022, dated 21.12.2022, and pass appropriate orders on the same, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

03.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai – 600 009.

N. SATHISH KUMAR, J.



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

3.The Chief Educational Officer,
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Salem – 636 001.

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