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W.P.(MD)No.15668 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.15668 of 2018

and

W.M.P.(MD)No.14060 of 2018

K.Jeyaraj Paul

.

... Petitioner

vs.

1.The Secretary to Government,
Personnel and Administrative
Reforms Department,
Fort St.George, Secretariat,
Chennai-600 006.

2.The Director of School Education,
Directorate, Chennai-600 006.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.No.2915/A2/2017,



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dated .07.2017, signed on 02.08.2017 and the subsequent order in O.Mu.No.900/A5/2018, dated .03.2018, signed on 14.03.2018 on the file of the respondent no.3 and to quash same as illegal and consequently, to direct the respondents to provide selection grade in the post of BT-Assistant (Mathematics) by counting the period of service as PG Assistant (Mathematics) in the leave post of prayer to the promotion as PG Assistant (Mathematics) from 01.07.1991 to 22.01.1991 (22 days) and from 26.10.1993 to 24.11.1993 (30 days) along with the service in the post of BT Assistant (Mathematics) from 18.09.2000 to 31.07.2010 as per G.O.Ms.No.68, Personnel and Administrative Reforms (PER-M) Department, dated 23.01.1986, within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.V.Om Prakash

Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order dated 02.08.2017 and the subsequent order dated 14.03.2018 on the file of the 3rd respondent and consequently to direct the respondents to provide selection grade in the



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post of B.T. Assistant (Mathematics) by counting the period of service as PG Assistant (Mathematics) in the leave post and pay salary to the promotion as PG Assistant (Mathematics) from 01.07.1991 to 22.01.1991 (22 days) and from 26.10.1993 to 24.11.1993 (30 days) along with the service in the post of BT Assistant (Mathematics) from 18.09.2000 to 31.07.2010 as per G.O.Ms.No.68, Personnel and Administrative Reforms (PER-M) Department, dated 23.01.1986, within the time stipulated by this Court.

2.The petitioner was appointed as P.G. Assistant (Maths) in Pope Memorial Higher Secondary School from 01.07.1991 to 22.07.1991 for 22 days. Thereafter, again the petitioner was employed as P.G.Assistant (Maths) at St.Mark's Higher Secondary School, Thoothukudi, from 26.10.1993 to 24.11.1993 for 30 days. Totally 52 days. If this 52 days is counted along with nine years and eleven months as B.T.Assistant, the petitioner will be entitled to selection grade. Based on this plea, the



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petitioner is before this Court.

3. It is an admitted fact that the petitioner had served in a leave vacancy. Leave vacancy is not a permanent post that too the petitioner has served first 22 days in a private aided institution, namely, Pope Memorial Higher Secondary School. Thereafter, the petitioner has served in another aided School, namely, St.Mark's Higher Secondary School. The period of service itself would indicate that it is a leave post. Therefore, the petitioner is not entitled to calculate the period of service rendered in leave post. Since it is not permanent employment, the claim of the petitioner cannot be considered. The impugned order is sustained. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Tmg

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To

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Personnel and Administrative
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