



W.P.No.111 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.111 of 2021

M.S.Imayavaramban

...

Petitioner

/vs/

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

2. The Director of Elementary Education,
D.P.I.Compound, College Road,
Chennai – 600 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to regularize the services of the petitioner from the initial date of appointment till 01.06.2006 with all consequential monetary and service benefits.

For Petitioner ... Ms.G.Priyadharshini

For Respondents ... Mr.P.Gurunathan
Additional Government Pleader

ORDER



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Heard Ms.G.Priyadharshini, the learned counsel for the petitioner and Mr.P.Gurunathan, the learned Additional Government Pleader, for the respondents.

2. The petitioner has filed this writ petition seeking writ of mandamus directing the first respondent to regularize his services from the initial date of appointment till 01.06.2006 with all consequential monetary and service benefits.

3. The petitioner was appointed as Junior Grade Secondary Grade Teacher through Employment Exchange with effect from 15.10.2004 and his appointment has been regularized with effect from 01.06.2006. As per G.O.Ms.No.100 dated 27.06.2003, the Government took decision that vacancies that are available on 01.06.2003 in various Panchayats, Union Schools, High Schools and Higher Secondary Schools shall be downgraded and re-designated as Junior Grade Secondary Teacher, Junior Grade B.T.Assistant and Junior Grade PG Assistant on consolidated pay, but there was no corresponding amendment to the service Rule. As per



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G.O.Ms.No.99, School Education (Budget-2) Department dated 27.06.2006, the services of all the teachers who were appointed on a consolidated pay, vide G.O.Ms.No.100 dated 27.06.2003, shall be regularized with effect from 01.06.2006 and accordingly, the petitioner's service was regularized with effect from 01.06.2006. The grievance of the petitioner is that the period between the date of initial appointment i.e. 15.10.2004 to 01.06.2006 has not been regularized. Hence the present petition has been filed.

4. Similarly placed person like the petitioner has filed a writ petition in W.P.No.15804/2020 and this Court has passed the following order on 14.06.2022:

“6. Admittedly, the petitioner was appointed as Junior Grade B.T. Assistant on consolidated pay and his appointment was not filled up in the sanctioned post. Subsequently, the petitioner was selected by the Teachers Recruitment Board, in accordance with the relevant Rules. The respondents have also regularised his service from 01.06.2006 by following the Government Orders. Now, the petitioner sought for regularization from the date of his initial appointment, on which he was appointed under consolidated pay.



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7. *In view of the above, this court is inclined to pass the following Order:*

i) *Liberty is granted to the petitioner to make a representation before the Director of Elementary Education, the second respondent herein, within a period of two weeks from the date of receipt of a copy of this order.*

ii) *On such representation being made by the petitioner, the second respondent is directed to consider the same and pass orders in accordance with law, by taking note of the decisions of this court in W.P.No.4991 of 2015 dated 30.07.2019 and W.P.No.27923 of 2019 dated 27.11.2019, within a period of twelve weeks from the date of receipt of the representation. The petitioner shall also furnish additional particulars, if any, along with his representation, before the second respondent.”*

5. The case on hand is also as similar as that of the above case. Since the petitioner is also similarly placed, this case would also have the similar line of appreciation that was considered in the above case. Hence, the petitioner is also entitled to the same relief as already granted to the other similarly placed person in the earlier judicial order.



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6. Accordingly, this Writ Petition is disposed in the line of the order

passed in W.P.No.15804/2020 dated 14.06.2022. No costs.

01.03.2024

Index: Yes / No

Speaking order / Non-speaking order

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To:

1. The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai – 600 009.
2. The Director of Elementary Education,
D.P.I.Compound, College Road,
Chennai – 600 006.



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R.N.MANJULA ,J.

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