



W.P.No.3746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM:

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

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1. A.R.Gurusamy
2. R.Dhanasekar
3. R.Ravikumar
4. K.Wilson
5. A.Varuthu Gounden
6. P.Palanisamy
7. S.Kousalyadevi
8. P.Kumutha
9. N.Suganthi
10. M.Thulasimani
11. S.Padmavathy

...Petitioners

-Vs-

1. The Government of Tamil Nadu,
represented by its Principal Secretary to Government,
School Education Department,
Fort St George, Chennai 600009.
2. The Director of School Education,
DPI Campus, Nungambakkam,
College Road, Chennai.
3. The Joint Director of School Education,
Higher Secondary, College Road,
Nungambakkam.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to regularize the service of the petitioners from 01.06.2000, 09.03.1999, 01.08.2000, 11.10.1999, 08.09.1999 and 05.01.2000, 30.08.1999, 22.09.2000, 12.08.2002, 03.09.1999 and 05.07.2000, the respective dates of the joining of the petitioners in the cadre of 'Computer Instructors' treating the same as equivalent to B.T.Assistant Teachers in the light of subsequent re-designation of the petitioners upholding their eligibility to continue as 'Computer Instructors Grade-I' treating the same equivalent to the post of Graduate Assistant, but absorbing them into regular service only from 10.11.2008, the date of passing the competitive examination conducted by TRB, but without any monetary benefits making the petitioners eligible to draw pension under the old pension scheme.

For Petitioners : Mr.A.Amalraj

For Respondents : Mrs.S.Mythereye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the third respondent to regularize the service of the petitioners from 01.06.2000, 09.03.1999, 01.08.2000, 11.10.1999, 08.09.1999 and 05.01.2000, 30.08.1999, 22.09.2000, 12.08.2002, 03.09.1999 and 05.07.2000, the respective dates of the joining of the petitioners in the cadre of 'Computer Instructors' treating the same as equivalent to B.T.Assistant Teachers in the light of subsequent re-



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designation of the petitioners upholding their eligibility to continue as 'Computer Instructors Grade-I' treating the same equivalent to the post of Graduate Assistant, but absorbing them into regular service only from 10.11.2008, the date of passing the competitive examination conducted by TRB, but without any monetary benefits making the petitioners eligible to draw pension under the old pension scheme.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners were appointed as Computer Instructors in various schools as detailed below:-

<i>S. No.</i>	<i>Name</i>	<i>Date of Joining</i>	<i>Name of the School</i>
1.	A.R.Gurusamy	01.06.2000	Govt.(Boys) Higher Secondary School, Anthiyur, Erode.
2.	R.Dhanasekar	09.03.1999	Govt. Higher Secondary School, ThalavaiPettai, Bhavani, Erode.
3.	R.Ravikumar	01.08.2000	Govt. Higher Secondary School, Singampettai, Bhavani, Erode.
4.	K.Wilson	11.10.1999	Govt. Higher Secondary School, Bhavani, Erode.
5.	A.Varutha Gounden	08.09.1999	Govt. Higher Secondary School, Alampalayam, Erode.
6.	P.Palanisamy	05.01.2000	Govt.(Boys) Higher Secondary School, Alampalayam, Anthiyur, Erode.



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S. No.	Name	Date of Joining	Name of the School
7.	S.Kousalyadevi	30.08.1999	Govt. Higher Secondary School, Pasur, Erode
8.	P.Kumutha	22.09.2000	Govt. Higher Secondary School, Kasipalayam, Erode
9.	N.Suganthi	12.08.2002	Govt. Higher Secondary School, Doddampalayam, Sathy, Erode
10.	M.Thulasimani	03.09.1999	Govt. Higher Secondary School, Arachalur, Erode
11.	S.Padmavathy	05.07.2000	Govt. Higher Secondary School, Sathy, Erode

4. The required educational qualification for the post of Computer Instructor is pass in any basic degree with Post Graduate in Diploma in Computer Science Application in any of the recognized Universities. They were paid the scale of pay eligible for the post of B.T.Assistant. The respondents have fixed their scale of pay and the pay scale was paid eligible to the post of B.T.Assistant teachers. Thereafter, their designation was re-designated as Computer Science Application Grade II and those who had possessed any basic degree with P.G.Diploma in Computer Application BT cadre and whereas Computer Science Instructors who have entered service pursuant to G.O.Ms.No.26 dated 12.02.2019 possessed with educational qualification were re-designated as Computer Science Instructor Grade-I PG cadre. They were appointed as Computer Science Instructors through Electronics Corporation of Tamil Nadu and authorized authority supplying Computer Instructors to various



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Schools throughout State of Tamil Nadu on contract basis applying Rule-11 of the Tamil Nadu Subordinate Services by creating supernumerary posts and accordingly, the respondents have treated their services as temporary in nature. As ordered in G.O.Ms.No.187 School Education Department, dated 04.10.2006, in order to regularize their services allowing them to face competitive examination through Teachers Recruitment Board. In the said examination 1880 Computer Science Instructors had appeared which was held in the month of October 2008. Thereafter, the petitioners were declared as pass on 10.11.2008. Therefore, the petitioners submitted representation to regularize their service from their date of original appointment.

5. The learned counsel for the petitioners relied upon the Judgment of the Hon'ble Supreme Court of India reported in **2010 6 SCC 791**, wherein it was held that whose initial appointment not in accordance with the prescribed procedures, later on approved by an authority having power and jurisdiction to do so, would always relate back to the date of their initial date of appointment.

6. Considering the above, the third respondent is directed to consider the representation submitted by the petitioners seeking regularization of their



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services from the date of their initial appointment, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. There shall be no order as to costs.

19.02.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
School Education Department,
Fort St George, Chennai 600009.
2. The Director of School Education,
DPI Campus, Nungambakkam,
College Road, Chennai.
3. The Joint Director of School Education,
Higher Secondary, College Road,
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G.K.ILANTHIRAIYAN. J,

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