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W.P.No.7402 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.7402 of 2020

1. K.Santhakumari
2. G.Ravi
3. V.Ramesh
4. S.Thirumavalavan
5. M.M.T.Sasireka

...

Petitioners

/vs/

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

2. The Director of School Education,
DPI Campus,
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 respondents 1 and 2 to regularize the services of the petitioners from their initial date of appointment, i.e.,



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from the date of entry into service till 01.06.2006 for the purpose of seniority, with all consequential, monetary and service benefits.

For Petitioners ... Ms.R.Gobika

For Respondents ... Mr.P.Gurunathan
Additional Govt. Pleader for R1 & R2

ORDER

Heard Ms.R.Gobika, the learned counsel for the petitioners and Mr.P.Gurunathan, the Additional Government Pleader for the respondents.

2. The petitioners have filed this Writ Petition seeking writ of mandamus directing the respondents 1 and 2 to regularize the services of the petitioners from their initial date of appointment, i.e., from the date of entry into service till 01.06.2006 for the purpose of seniority, with all consequential, monetary and service benefits.

3. The petitioners were selected and appointed as Post Graduate Teachers on consolidated pay as per G.O.Ms.100 School Education (Budget) Department dated 27.06.2003, through direct recruitment by



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Teachers Recruitment Board (MRB) in the year 2003-2004. At the time of issuing initial appointment orders it is stipulated that the petitioners were not entitled to regularization of service for a period of five years. Subsequently, G.O.Ms.No.99 School Education (Income and Expenditure 2) dated 27.06.2006 has been issued to reconsider and decide the regularization of services of all teachers. However, their services are regularized with effect from 01.06.2006. Since the petitioners' services were not regularized from the date of their initial appointment, the present writ petition has been filed.

4. In a writ petition filed by similarly placed persons in W.P.(MD)No.7876/2018, the learned single Judge has passed the following order:

“ 3.While the petitioner places reliance on a subsequent GO(3D)No.4, School Education Department, dated 21.01.2015, to substantiate that similarly placed teachers, who were on consolidated pay earlier have been regularized from the date of appointment, the learned Special Government Pleader places reliance on the counter affidavit and submitted that since G.O.Ms.No.99, School Education Department, dated 27.06.2006 stipulates



that the teachers, who were appointed from the year 2003-04 onwards, at the junior levels in Government and Government Aided Schools should be regularized from 01.06.2006.

4.It is no doubt that G.O.Ms.No.99, School Education Department, dated 27.06.2006 stipulates that the regularization of the junior level teachers in the Government, as well as the Government Aided Schools, should be regularized with effect from 01.06.2006 onwards. However, when some of the teachers, whose initial services under the consolidated pay were not taken into account and were regularized with effect from 01.06.2006, had approached this Court in WP(MD)No.2501 of 2013, this Court, by an order dated 22.10.2013 had directed the authorities to consider the request. Accordingly, the Government in GO(3D)No.4, School Education Department, dated 21.01.2015, had regularized the services of about 28 Junior Grade teachers, with effect from the date of their initial appointments, as consolidated pay teachers.

5.All those teachers are similarly placed as that of the petitioner herein, who was also an employee in a minority aided institution. While that being so, the petitioner herein would also be entitled for regularization from the date of her initial appointment at St.Joseph's



Higher Secondary School, Vizhunthayambalam, Kanyakumari District, from 02.06.2004 onwards, failure of which would amount to discrimination.

6. In the light of the above findings, there shall be a direction to the second respondent to pass appropriate orders, recalling the date of the petitioner's regularization from 01.06.2006 and to revise the same, to give effect from 02.06.2004 onwards. The second respondent herein shall also extend all the monetary benefits, pursuant to such revision and pass such orders, within a period of twelve (12) weeks from the date of receipt of a copy of this order. This Writ Petition stands allowed accordingly.”

5. The petitioners are also similarly placed and in whose benefit the Government Order in G.O.Ms.No.99 School Education (Income and Expenditure 2) dated 27.06.2006 has been issued. In the case of similarly placed persons like the petitioners, the regularization of service has been made from the date of initial appointment vide G.O.(3D) No.4, School Education Department, dated 21.01.2015. Hence these petitioners are also entitled to the benefit equally.

6. Accordingly, this Writ Petition is allowed and the respondents 1



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and 2 are directed to regularize the services of the petitioners from their initial date of appointment, i.e., from the date of entry into service, till 01.06.2006 for the purpose of seniority, with all consequential, monetary and service benefits. No costs.

27.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

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1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
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