



W.P.Nos.33611 to 33613 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **19.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.Nos.33611 to 33613 of 2016

W.P.No.33611 of 2016:

G.Maria Stephen

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
Education Department,
Secretariat, Chennai -9.
- 2.The Director of School Education,
College Road, Chennai – 6.
- 3.The Chief Educational Officer,
Erode.
- 4.The District Educational Officer,
Gopichettipalayam, Erode.
- 5.The Correspondent,
St.Michaels High Secondary School,
Michaelpalayam post – 638 501.



W.P.Nos.33611 to 33613 of 2016

Erode District.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the 3rd respondent vide O.Mu.No.4690/A2/2015 dated 23.09.2015 and quash the same and directing the respondents to upgrade the post of Secondary Grade Teacher of the petitioner as B.T. Assistant with effect from 1.6.2002 in the light of G.O.Ms.No.79, School Education Department, dated 14.06.2002, with all consequential benefits in the light of the judgment passed in W.P.(MD) No.1664 of 2005 dated 2.11.2006 in the case of *R.Padma Sheela Rani Vs. State of Tamil Nadu and others.*

W.P.No.33612 of 2016:

V.Kesavan

... Petitioner

-VS-

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Education Department,
Secretariat, Chennai -9.

2.The Director of School Education,
College Road, Chennai – 6.



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- 3.The Chief Educational Officer,
Erode.
- 4.The District Educational Officer,
Gopichettipalayam, Erode.

- 5.The Correspondent,
St.Michaels High Secondary School,
Michaelpalayam post – 638 501.
Erode District.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the 3rd respondent vide O.Mu.No.4689/A2/2015 dated 23.09.2015 and quash the same and directing the respondents to upgrade the post of Secondary Grade Teacher of the petitioner as B.T. Assistant with effect from 1.6.2002 in the light of G.O.Ms.No.79, School Education Department, dated 14.06.2002, with all consequential benefits from 01.06.2002 to 14.09.2010, in the light of the judgment passed in W.P.(MD) No.1664 of 2005 dated 2.11.2006 in the case of *R.Padma Sheela Rani Vs. State of Tamil Nadu and others.*

W.P.No.33613 of 2016:



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A.Paul Peter (Deceased)

1. Anna Mary
2. Santhosh
3. Kishore

...Petitioners

(P1 to P3 are brought on record as legal representatives of deceased petitioner *vide* Court order dated 19.07.2024 made in W.M.P.No.28403 of 2023 in W.P.No.33613 of 2016)

-VS-

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Education Department,
Secretariat, Chennai -9.

2.The Director of School Education,
College Road, Chennai – 6.

3.The Chief Educational Officer,
Erode.

4.The District Educational Officer,
Gopichettipalayam, Erode.

5.The Correspondent,
St.Sebastians High School,
Nagalur,
Erode District.

...

Respondents



W.P.Nos.33611 to 33613 of 2016

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the 3rd respondent vide O.Mu.No.4691/A2/2015 dated 23.09.2015 and quash the same and directing the respondents to upgrade the post of Secondary Grade Teacher of the petitioner as B.T. Assistant with effect from 1.6.2002 in the light of G.O.Ms.No.79, School Education Department, dated 14.06.2002, with all consequential benefits, in the light of the judgment passed in W.P.(MD) No.1664 of 2005 dated 2.11.2006 in the case of *R.Padma Sheela Rani Vs. State of Tamil Nadu and others.*

For petitioner(s) : Mr.S.N.Ravichandran
in all W.Ps.

For respondents : Mrs.P.Rajarajeswari,
in all W.Ps. Government Advocate,
for R1 to R4

Mrs.A.Arul Mary, for R5

ORDER

The above writ petitions have been filed for a writ of



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certiorarified mandamus to call for the entire records connected with the impugned order passed by the 3rd respondent and quash the same and to direct the respondents to upgrade the post of Secondary Grade Teacher of the petitioner as B.T. Assistant with effect from 1.6.2002 in the light of G.O.Ms.No.79 School Education Department dated 14.06.2002, with all consequential benefits, in the light of the judgment passed in W.P.(MD) No.1664 of 2005 dated 2.11.2006 in the case of *R.Padma Sheela Rani Vs. State of Tamil Nadu and others*.

2. It is informed that the issue involved in these writ petitions is the subject matter of the earlier batch of writ petitions in the case of *K.Poongulali vs. The State of Tamil Nadu and others* [W.P.Nos.2751, 2752 of 2015, etc., decided on 23.07.2023], wherein, this Court, has observed as follows:

“11. This Court, in W.P.No.26483 of 2005 by an order dated 16.04.2014, already



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held that those who were appointed prior to G.O.Ms.No.79 dated 14.06.2002, the School should get approval from the Government prior to the appointment of other teachers as per G.O.

Therefore, the rejection of the request made by the petitioners are totally arbitrary and erroneous. This Court, in W.P.(MD) No.14870 of 2010 in the case of M.Mary Jacklin Pushpa Vs. The State of Tamil Nadu, already held that it is crystal clear that the law on this subject has been well settled by the Hon'ble Supreme Court that though equal pay for equal work is not expressly stated in any of the provision of the Fundamental Rights, it falls within the ambit of Article 14 of the Constitution of India in view of Article 39(d) of the Constitution of India and the same is enforceable by the Courts. Those teachers who were appointed after 14.06.2002 and the petitioners are equal in all respects. Therefore, the doctrine of equal pay for equal work should be applied in the



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case on hand. When the teachers, who were appointed on or after 14.06.2002 are equal in all respects, the petitioners are also entitled for the same scale of pay for the post of BT Assistant with effect from 01.06.2006. Whereas, in the case on hand, all the petitioners were appointed as Secondary Grade Teacher even prior to G.O.Ms.No.79 dated 14.06.2002. Therefore, all the teachers are entitled to be regularised when the date of G.O.Ms.No.79 dated 14.06.2002 i.e., from 01.06.2002.

12. In view of the above, the impugned orders passed in W.P.Nos.2751 & 2752 of 2015 are hereby quashed. The second respondent is directed to upgrade to the post of Secondary Grade Teacher hold by the petitioners' BT Assistant with effect from 01.06.2002 in the light of G.O.Ms.No.79 dated 14.06.2002 with all consequential benefits within a period of eight weeks from the date of receipt of a copy of this order.



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13. Insofar as the other writ petitions are concerned, the first and second respondents are directed to upgrade the post of Secondary Grade Teachers hold by the petitioners as BT Assistant with effect from 01.06.2002 in the light of G.O.Ms.No.79 dated 14.06.2002 with all consequential benefits within a period of eight weeks from the date of receipt of a copy of this order.

14. In the result, all the writ petitions are allowed. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.”

It is also informed that same order was reiterated by this Court in the case of ***C.Joseph vs. The Director of School Education and others*** [W.P.Nos.17318 and 17324 of 2020 decided on 07.09.2023].



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3. Therefore, in view of the above, the impugned orders passed in W.P.Nos.33611 to 33613 of 2016 are quashed and the respondents are directed to upgrade the post of Secondary Grade Teacher of the petitioners as B.T. Assistant with effect from 1.6.2002 in the light of G.O.Ms.No.79, School Education Department, dated 14.06.2002, with all consequential benefits, within a period of eight weeks from the date of receipt of a copy of this order.

4. In the result, all the writ petitions stand allowed. No costs.

19.07.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To
1.The Secretary to Government,



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The State of Tamil Nadu,
Education Department,
Secretariat, Chennai -9.

2.The Director of School Education,
College Road, Chennai – 6.

3.The Chief Educational Officer,
Erode.

4.The District Educational Officer,
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P.T.ASHA, J.,

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