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W.P.No.27924 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.27924 of 2021

- 1.C.Dhanapal
 - 2.S.Jahangeer Hussain
 - 3.V.Chokkar
 - 4.N.Mangalanathan
 - 5.P.Palanisamy
 - 6.P.Ravikumar
 - 7.K.Jansi
 - 8.S.Periyasamy
 - 9.M.Kabilan
 - 10.A.Balasubramanian
- ... Petitioners

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Madurai District, Madurai – 2.
- 5.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 6.The Chief Educational Officer,



Virudhunagar, Virudhunagar District.

7.The Chief Educational Officer,
Theni, Theni District.

8.The Chief Educational Officer,
Karur, Karur District.

... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records which culminated in issuing the Government letter No.8346/P.K.7(1)/2021-7 dated 28.10.2021 on the file of the first respondent and quash the same and consequently directing the respondents to extend the benefits of the G.O.(2D) No.7 School Education Department dated 23.02.2012 and G.O.(2D) No.158 School Education Department dated 13.11.2015 and G.O.(2D) No.3 to 6 School Education Department dated 11.02.2021 to fix the Regular time scale of pay of the petitioners in the cadre of Vocational Instructor Grade-I with effect from 20.09.1996 without monetary benefits to the petitioners, in the light of the order passed by this Hon'ble High Court in W.P.No.19686 of 2014 in order dated on 25.02.2015 and W.P.Nos.32391 to 32394 of 2014 dated 05.07.2015.

For Petitioners : Mr.S.Mani

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

When the matter was taken up for consideration, the learned counsel for the petitioner as well as the learned Additional Government Pleader



W.P.No.27924 of

WEB COPY

fairly submitted that the issue involved in this Writ Petition is squarely covered by the orders passed by this Court in W.P.No.19686 of 2014 and W.P.No.32391 of 2015. This Court also had carefully gone through the orders passed in the above Writ Petition and satisfied that the issue is fairly covered by the said orders and the petitioners herein are also entitled for the similar relief as is granted in the above said Writ Petitions. Further, it is brought to the notice of this Court that the orders passed in the above said Writ Petitions were also implemented by the Government and appropriate orders were issued.

2. This Court in W.P.Nos.19686 & 19688 of 2014 by order dated 25.02.2015 had held as under

“ 5. The request made by the petitioner for giving him selection grade retrospectively was rejected primarily on the ground that the earlier appointment was only on part time basis. The petitioner has produced a copy of the Government Order in G.O.Ms.No.(2D) No.7, School Education Department, dated 23.02.2012 in support of his contention that under similar circumstances, the services of another employee was regularised without giving monetary benefits. The petitioner is



WEB COPY

W.P.No.27924 of



also similarly situated. In fact the employee by name Kannan also attended training along with the petitioner and as such, the first respondent should treat the petitioner in the same way in which they have treated the said employee. The petitioner is therefore perfectly correct in his contention that he should have been given retrospective regularisation as in the case of Kannan.

6. In the result, the impugned order 02.01.2014 is set aside. The first respondent is directed to consider the claim made by the petitioner for retrospective regularisation in the light of the order in G.O.(2D) No.7 School Education Department dated 23.02.2012. It is made clear that no monetary benefits would be given to the petitioner and retrospective regularisation would be for the purpose of counting the total service for other purposes. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.”

3. The above said order was followed by another learned Single



WEB COPY

W.P.No.27924 of



Judge of this Court in W.P.Nos.32391 of 2015 and allowed the Writ Petition by order dated 05.07.2018. In the light of the above, this Court is of the considered view that no fresh adjudication is required to be made in this matter on merits and accordingly, this Writ Petition is disposed of in the light of the Government order in G.O.(2D).No.7, School Education Department, dated 23.02.2012 and the decision rendered by this Court as noted above by duly setting aside the impugned order dated 12.05.2014. There shall be a consequential direction to the respondents to grant the pay scale to the Vocational Instructors of Grade - I to the petitioners with effect from 20.09.1996 on notional basis and grant the actual monetary benefits from 08.07.2004 with all attendant benefits. The respondents are directed to comply with the said direction within a period of eight (8) weeks from the date of receipt of a copy of this order.

16.04.2024

gba

Index : Yes/No

Speaking order : Yes/No

To

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,



WEB COPY

W.P.No.27924 of 2021



Secretariat, Chennai – 600 009.

2.The Director of School Education,
College Road,
Chennai – 600 006.

4.The Chief Educational Officer,
Madurai District, Madurai – 2.

5.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

MUMMINENI SUDHEER KUMAR, J.

GBA

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WEB COPY



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