



WEB COPY



W.A. No.1523 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

and

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.A.No.1523 of 2021

and

C.M.P. No.9666 of 2021

1.State of Tamil Nadu rep. By its
Secretary,
Department of School Education,
Fort St. George, Chennai – 9.

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

... Appellants

-VS-

1.S.Baskaran
2.R.Ramanujam
3.J.Mahesh

.... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 27.11.2019 made in W.P.No.30740 of 2019.

For Appellants : Mr.U.M.Ravichandran,
Spl. Govt. Pleader

For Respondents : No appearance



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JUDGMENT

[Judgment of the Court was delivered by **D.KRISHNAKUMAR,J.**]

This writ appeal is directed against the order dated 27.11.2019 made in W.P.No.30740 of 2019, whereby the learned single Judge disposed of the writ petition with a direction to the first appellant herein to regularise the services of the writ petitioners/respondents from the date of entry into service for the purpose of seniority and extend all the monetary benefits, if any, within a period of two months from the date of receipt of the order.

2. The writ petitioners were appointed as post graduate teachers by direct recruitment by the Teachers Recruitment Board in the year 2003-2004 and their services were regularised with effect from 01.06.2006. Seeking a direction to the respondents therein to regularise their services from the initial date of appointment, the writ petitioners preferred W.P.No.30740 of 2019. On the submission made by the learned counsel for the writ petitioners that the issue is squarely covered by the decision of this Court dated 30.07.2019 in W.P.No.4991 of 2015, the writ petition was disposed on the same lines. Aggrieved by the same, the respondents therein have filed the present writ appeal.



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3. Despite service of notice and names of the respondents/writ petitioners having been printed in the cause list, there is no representation on behalf of the respondents.

4. Learned Special Government Pleader appearing for the appellants submits that the writ petitioners, having accepted to work under consolidated pay at the time of appointment, have no right to claim regular time scale of pay. He further submits that the Government vide G.O.Ms.No.99 School Education (Budget 2) Department dated 27.06.2006 issued orders regularising the services of the Junior Secondary Grade Teachers, Junior B.T. Assistants and Junior Post Graduate Assistants who were appointed from 2003-2004 to 2005-2006 on contract basis on fixed pay within a period of five years as stated in G.O.Ms.No.100 School Education (Budget) Department dated 27.06.2003 and brought them into regular scale of pay with effect from 01.06.2006 and such policy of the Government cannot be construed as arbitrary and illegal.

5. Learned Special Government Pleader submits that the impugned order has been passed by the learned single Judge, by placing reliance upon the order dated 12.06.2017 made in W.P.



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(MD) Nos.21316 and 21317 of 2015 and the order dated 30.07.2019 made in W.P. No.4991 of 2015. As against the aforesaid orders passed by the writ Courts, intra-court appeals have been preferred and they were partly allowed. Subsequently, review application has been filed in Rev. Appln. No.60 of 2020 and the same was also allowed in favour of the Department. He has also produced a copy of the common judgment in Rev. Appln. No.60 of 2020 and W.A. Nos.723 of 2020 and 245, 246 and 462 of 2021.

6. Having heard the learned Special Government Pleader for appellants and having considered the materials available on record, we are of the view that the issue involved in the present writ appeal is no longer *res integra* in the light of the aforesaid common judgment dated 17.08.2021 passed in Rev. Appln. No.60 of 2020 etc., The relevant portion of the judgment reads as follows:

'35. The First Bench, also had passed a reasoned order on 01.09.2020 to admit the review application. In view of the discussions made hereinabove, the Review petition No.60 of 2020 and W.A.No.723 of 2020 filed by the third parties, whose rights are affected by the said order, are allowed and consequently, the order dated 13.01.2020 passed in W.A.No.3904 of 2019 is recalled.



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As a natural corollary, the order passed by the writ Court dated 30.07.2019 in W.P.No.4991 of 2015 is set aside and the writ petition is dismissed.'

7. In the light of the above, the impugned order dated 27.11.2019 made in W.P.No.30740 of 2019 is set aside and the writ appeal is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.) (K.B.J.)
08.04.2024

Index: Yes/No
Neutral Citation: Yes/No
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**D.KRISHNAKUMAR, J.
and
K.KUMARESH BABU, J.**

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