



W.P.No.12075 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.12075 of 2021

A.Vijayalakshmi

Vs.

Petitioner

1. The Government of Tamil Nadu,
Rep. by its Secretary to
Adi Dravidar and Tribal
Welfare Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Adi Dravidar Welfare,
Ezhilagam, Chepauk,
Chennai - 600 005.

3. The District Adi Dravidar
and Tribal Welfare Officer,
Perambalur.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to regularise the services of the petitioner as B.T.Teacher from the initial entry in service on 10.11.1997 as a Secondary Grade Teachers with continuity of service from that date and to pay the difference of monthly salary from 10.11.1997



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(initial Entry in service) and 26.07.2006 of when petitioner was promoted as B.T.Teacher and pay these salaries, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.M.Kalyanasundaram,
Senior Counsel for
Mr.R.Vasudevan

For Respondents : Mr.M.Rajendran,
Additional Government Pleader

ORDER

The petitioner was initially appointed as a Secondary Grade Teacher from 10.11.1997. As per seniority, on 26.07.2006 she got promoted to the post of B.T.Assistant in Science. The grievance of the petitioner is that her period of service from 10.11.1997 to 26.07.2006 should be counted as the service in B.T.Teacher on the ground that though she joined the service as Secondary Grade Teacher, she served in the post of B.T.Assistant.

2. The learned counsel for the petitioner relied on G.O.Ms.No.119, Adi Dravidar and Tribal Welfare (ADW-7) Department, dated 20.06.1995 and sought regularization as per the said Government Order.



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3. The learned Additional Government Pleader appearing for the respondents submitted that as per G.O.Ms.No.119, Adi Dravidar and Tribal Welfare (ADW-7) Department, dated 20.06.1995, the pay of 240 Junior Teachers were regularized in the cadre of Secondary Grade Teachers. However, as per G.O.Ms.No.63, Adi Dravidar and Tribal Welfare (ADW-7) Department, dated 01.04.1997 for want of candidates with Secondary Grade Teacher qualification, candidates with B.T.Assistant qualification were permitted to be appointed in the post of Secondary Grade Teacher on the following conditions:

- i. The Teachers thus appointed shall be paid only the time scale of Secondary Grade Teacher. No special allowances shall be granted.
- ii. The Scheme of providing Special increment in pay for having higher qualification will not be applicable to this category;
- iii. These Teachers are not eligible to claim promotion directly or through Special Test to the B.T.Teacher post;
- iv. These Teachers should give consent to serve in any place of the State;



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v. Also, a declaration stating the above conditions must be obtained from the concerned Teachers at the time of appointment;

vi. Further, the Teachers should undergo a one month training on “Child Psychology” in the respective District Institute of Education Training Centre at their own expenses and to produce a course completion certificate before getting appointment.

4. It is submitted by the counsel for the respondents that the petitioner had agreed to the above terms of employment and after retirement, she had chosen to file this Writ Petition. Hence, he prayed for dismissal of the Writ Petition.

5. On perusal of records, it is seen that the representation of the petitioner remains to be considered. Hence, the respondents are directed to consider the representation of the petitioner, dated 20.05.2016 and pass appropriate orders based on the Rules existing in this regard, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No

costs.

08.01.2024

Index: Yes / No

Speaking order / Non-speaking order
vum

To:

1. The Secretary to
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Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Adi Dravidar Welfare,
Ezhilagam, Chepauk,
Chennai - 600 005.
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R.N.MANJULA ,J.

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