



W.P.(MD).No.15631 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.15631 of 2019

and

W.M.P.(MD).No.12310 of 2019

V.Ebi Manjula

... Petitioner

Vs.

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

2.The District Educational Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Correspondent,
St.Andrew's Girls Higher Secondary School,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in O.Mu.No.2768/A1/2019 dated 14.06.2019 and quash the same as illegal and consequently direct the respondents to approve the petitioner's appointment with effect from 05.03.2003 with regular scale of pay as admissible for the post and to release the differential pay and other attendant benefits including pensionary benefits from the said date forthwith.



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For Petitioner : Mr.B.Vinoth Kumar
For R-1 & R-2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R-3 : Mr.J.M.Hassanul Bazari

ORDER

The Writ Petitioner, who was serving as a BT Assistant in St.Andrew's Girls Higher Secondary School, Ramanathapuram, filed this Writ Petition seeking regularisation of her service from 05.03.2003 in the post of Secondary Grade Teacher.

2. According to the petitioner, she was appointed in the sanctioned vacant post on 05.03.2003 as Secondary Grade Teacher and her appointment was approved by the concerned authorities with effect from 02.06.2003. She had continuously served for more than 16 years and subsequently, it was found that her service period rendered between 05.03.2003 and 02.06.2003 was not taken into account and if the same is taken into account and that period is regularised, she is entitled for pension under Old Pension Scheme. As per G.O.Ms. No.4, School Education Department, dated 19.01.2004, the Government has taken a policy decision to grant permission for appointment of teachers on consolidated pay on or after 01.06.2003 and the posts were to be filled up only

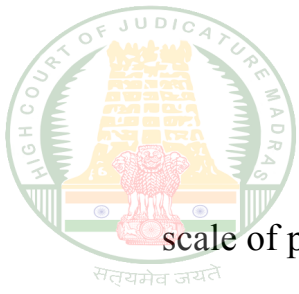


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through direct recruitment on consolidated pay only. Based on this Government

Order, though the petitioner was appointed in the regular sanctioned post, she had been appointed in the consolidated pay. The validity of G.O.Ms.No.4 dated 19.01.2004 was tested earlier in ***W.P.(MD).No.1664 of 2005, R.Padma Sheela Rani Vs. The State of Tamil Nadu and others, dated 02.11.2006***, wherein, this Court has held that G.O.Ms.No.125, School Education Department, dated 12.11.2003 and G.O.Ms.No.4, dated 19.01.2004, will have no relevance while approving the appointment of the teacher, who was appointed prior to 01.06.2003 and their salaries have to be reckoned from the date of their original appointment. The learned counsel for the petitioner further submitted that this Court has consistently held that the persons, who were appointed prior to 01.04.2003 and have served in the regular time scale of pay in the sanctioned posts, are entitled for getting the benefits, though their approval was made subsequently, i.e., after 01.04.2003.

3. Per contra, the learned Additional Government Pleader appearing for the first and second respondents submits that the petitioner herein, though claims to be appointed on 05.03.2003, approval was granted only from 02.06.2003, that too, on consolidated pay as per G.O.No.125 dated 12.11.2003. Subsequently, her engagement was continued and she was brought into time



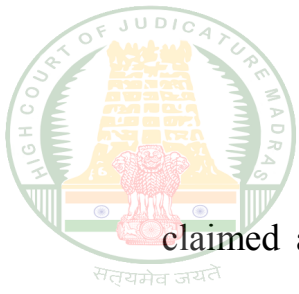
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scale of pay only from 01.06.2006. Since her appointment was brought into time

scale of pay only from 01.06.2006, she is not entitled to claim any benefits prior to 01.06.2006. He further submitted that after 15 years, she had come forward with the grievance that her service has to be regularised from 05.03.2003.

4. I have considered the submissions made on both sides and perused the materials available on record.

5. On perusal of the order passed by this Court in W.P.(MD).No.1664 of 2005 dated 02.11.2006, it shows that the petitioner therein has come forward with the relief challenging the order of approval of appointment in the consolidated pay. According to the petitioner therein, she had been appointed in the regular sanctioned post on 08.08.2002, whereas, the approval for appointment was granted on 24.09.2004 and the salary was fixed on consolidated pay with effect from 19.01.2004. This approval order was challenged immediately in the year 2005 itself, whereas, the present petitioner, whose appointment was approved on 12.11.2003 with effect from 02.06.2003 as per G.O.No.125, has not come forward to challenge the approval. Subsequently, from consolidated pay, she was appointed in the time scale of pay with effect from 01.06.2006. At that point of time also, she has not raised any objection and



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claimed any benefits from her original date of appointment, i.e., 05.03.2003.

Similarly, even after passing of the order passed by the learned Single Judge in W.P.(MD).No.1664 of 2005 dated 02.11.2006, cited supra, she had not woke up and had not challenged the approval proceedings. After 15 years, she has come forward with the relief seeking regularisation of her service from 2003 onwards, whereas, she has subsequently reached various positions by way of promotion and at the fag end of retirement, this claim is made. Hence, I am of view that granting the relief to the petitioner at this point of time is not permissible.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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

2.The District Educational Officer,
Ramanathapuram District,
Ramanathapuram.



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K.RAJASEKAR,J.

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