
(2014) 11 MAD CK 0371

In the Madras High Court

Case No : W.P. (MD) No. 17644 of 2014 and M.P. (MD) No. 1 of 2014

Sundarvel Raj

APPELLANT

Vs

The Director of Elementary Education

RESPONDENT

Date of Decision : 03-11-2014

Acts Referred:

Citation : (2014) 11 MAD CK 0371

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Judgement

T. Raja, J.—The present Writ Petition has been filed seeking only a limited prayer to direct the respondents to pay the salary for the period from 03.09.1997 to 02.06.2003, viz., from the date of his initial appointment till the date of confirmation and to pay monetary benefits, attendant benefits and also service benefits.

2. The petitioner was appointed as B.Ed., Graduate Teacher in the Secondary Grade Teacher's post on 03.09.1997 at Keelapavoor Range, Hindu Middle School, Subbanoor, Tirunelveli District. After a period of about six years, his services were regularized from 02.06.2003, vide proceedings in Na.Ka.713/A3/2003, dated 22.07.2003. Thereupon, the petitioner was deployed in the present school viz., Sathiriya Committee Middle School, Kadayam, Tirunelveli District, on 22.03.2010.

3. When the factual matrix stood as above, in view of the Government Order in G.O. Ms.No.155, School Education (D2) Department, dated 03.10.2002, the Government has decided to approve the appointment of Secondary Grade Teachers, who were appointed with B.T. qualification on certain conditions and they were directed to undergo child psychology training. In the said Government Order, it was further held that the period till regularization shall not be counted for the purpose of promotion or for retirement benefits. Challenging the above said Government Order, Writ Petitions in W.P. Nos.19821 of 2003, 11443, 12095, 12317 and 12318 of 2005 were filed and this Court, by common detailed order,

dated 22.01.2013, relying upon one another order passed by this Court in W.P. No.3206 of 2007, dated 13.12.2007, whereby and whereunder, a direction was issued to approve the appointment of the petitioner therein making it clear that if the post in which, the petitioner was found working, is found surplus, liberty was given to the department to deploy the petitioner therein to a needy school in accordance with the Government Order in G.O. Ms.No.525, dated 29.12.1997 and further direction was also given for payment of arrears of salary, allowed the Writ Petitions as prayed for.

4. Relying heavily on the above decision, the learned counsel appearing for the petitioner would submit that this Court has already settled the issue, directing the Education Department to take into account the period of service from the date of initial appointment till the date of confirmation, for all monetary benefits. He would further submit that the District Elementary Educational Officer, vide proceedings dated 18.06.2014, implemented the said order. On this basis, he further prayed that the petitioner, who was appointed on 03.09.1997, as B.Ed., Graduate Teacher in the Secondary Grade Teacher's post at Keelapavoor Range, Hindu Middle School, Subbanoor, Tirunelveli District, should be given the benefit of his service from the date of initial appointment till the date of confirmation.

5. Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice on behalf of the respondents and requests this Court to give two days time to take instructions, to verify as to whether any Writ Appeal or Special Leave Petition is pending against the order passed by this Court.

6. But, this Court is unable to agree with the said prayer. The reason is when this Court, in the earlier common order passed in W.P. Nos.19821 of 2003, 11443, 12095, 12317 and 12318 of 2005, dated 22.01.2013, has followed the order of the Hon'ble Division Bench, and set aside G.O. Ms.No.155, dated 03.10.2002, insofar as two clauses are concerned, viz., clause Nos.(iii) and (viii), this Court is bound by the earlier order passed by this Court, since the department also has implemented the said order. It is necessary to mention that the case of the petitioner has already been recommended by the third respondent, the Additional Assistant Elementary Educational Officer, Kadayam Range, Tirunelveli District, vide proposal dated 26.08.2014 and the second respondent, the District Elementary Educational Officer, Tirunelveli, vide proposal dated 26.09.2014.

7. In the light of the above, the second respondent is, therefore, hereby directed to consider the case of the petitioner, on the basis of the order passed by this Court referred to earlier, coupled with the proposal made by the third respondent herein, the Additional Assistant Elementary Educational Officer, Kadayam Range, Tirunelveli District, dated 26.08.2014, within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed to the extent indicated above. Consequently, the connected miscellaneous petition is closed. No costs.