
(2010) 04 MAD CK 0310

In the Madras High Court

Case No : Writ Petition (MD) No. 5925 of 2010 and M.P. (MD) No. 1 of 2010

T. Karunakaran

APPELLANT

Vs

The Director, Tamil Nadu Elementary Education, The District
Elementary Educational Officer and The Assistant Elementary
Educational Officer

RESPONDENT

Date of Decision : 28-04-2010

Acts Referred:

Citation : (2010) 04 MAD CK 0310

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : R. Govindaraj, for the Appellant; V. Rajasekaran, Special
Government Pleader, for the Respondent

Judgement

P. Jyothimani, J.—Mr. V. Rajasekaran, learned Special Government Pleader, takes notice on behalf of the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The Writ Petitioner was originally appointed as a Part-time Vocational Instructor. As per G.O.Ms. No. 224, Education, Science and Technology Department, dated 24.03.1994, the Government has decided to absorb the Part-time Vocational Instructors (Craft Teachers) into full time vacancies as Secondary Grade Teachers on directing them to undergo three months training course in the District Institutes of Education and Training on various subjects.

3. It is stated that the petitioner has undergone such three months training course as per the said Government Order between 01.11.1995 and 19.02.1996 and thereafter, he has joined as a Secondary Grade Teacher on 20.02.1996. His claim is that he is entitled for the fixation of scale as a Secondary Grade Teacher from the date of the completion of the examination, which according to the petitioner, he has completed on 05.10.1996. He has made several representations including the latest representation dated 16.08.2008, for which, the second respondent, by his proceedings dated 22.08.2008, has informed the

petitioner that the proposal has been sent to the first respondent, the Director of Tamil Nadu Elementary Education, Chennai and as soon as the orders are received, the consequential proceedings will be issued in favour of the petitioner. In spite of it, no further order has been passed so far. Therefore, the present Writ Petition is filed for a direction against the respondents to sanction pay of Secondary Grade Teacher Scale to the petitioner from the next day of completion of the examination, viz., on 05.10.1996 onwards.

4. The learned Counsel for the petitioner also brings to the notice of this Court that in many number of similar cases, the respondents have granted the benefits of re-fixation of scale as Secondary Grade Teachers from the date of completion of the examination and in spite of the same, in respect of the petitioner, no steps have been taken.

5. A reference to the proceedings of the second respondent dated 22.08.2008 shows that in fact, the respondents are considering the case of the petitioner, since the petitioner is otherwise entitled to the protection as per the contents of G.O.Ms. No. 224, Education, Science and Technology Department, dated 24.03.1994, in which, the Government makes, in categorical terms, as follows:

5. The Part-time Pre-Vocational Instructors (Craft-Teachers) after, absorption in Secondary Grade posts, shall teach secondary grade subjects. They will continue to teach the craft subject within the syllabus. Their seniority in the Secondary Grade post shall be counted only from the date of their conversion. The Director of Elementary Education is also requested to send necessary proposals to Government for regularization of the services of the teachers on Secondary Grade post. The proposal should also contain relaxation of rules, if they are not satisfied for such appointment.

6. In such view of the matter, the petitioner is certainly entitled for the benefits as conferred under the said Government Order, especially when the petitioner, in accordance with the said Government Order, has been directed to undergo the short term course. In these circumstances, the Writ Petition stands disposed of with a direction against the first respondent to pass appropriate orders based on the communication of the second respondent in Na.Ka. No. 3359/08/A2, dated 22.08.2008 and such orders shall be passed by the first respondent, by granting the benefits as per G.O.Ms. No. 224, Education, Science and Technology Department, dated 24.03.1994, as it has been conferred to many number of similarly situated candidates, if there are no other legal impediments, within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.