

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM

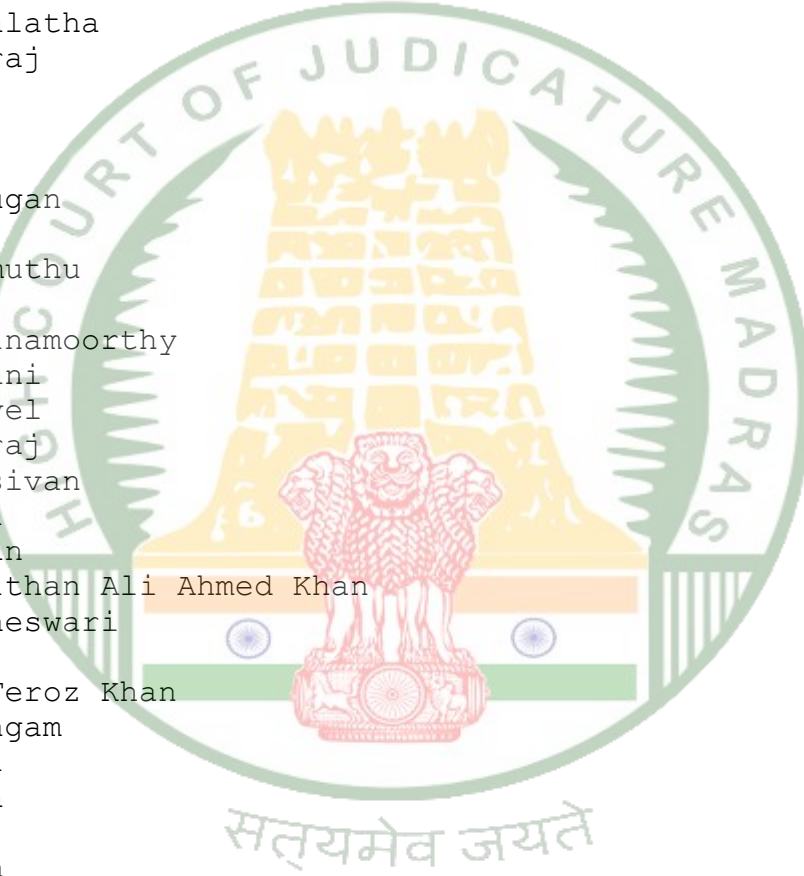
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34339 of 2015

and

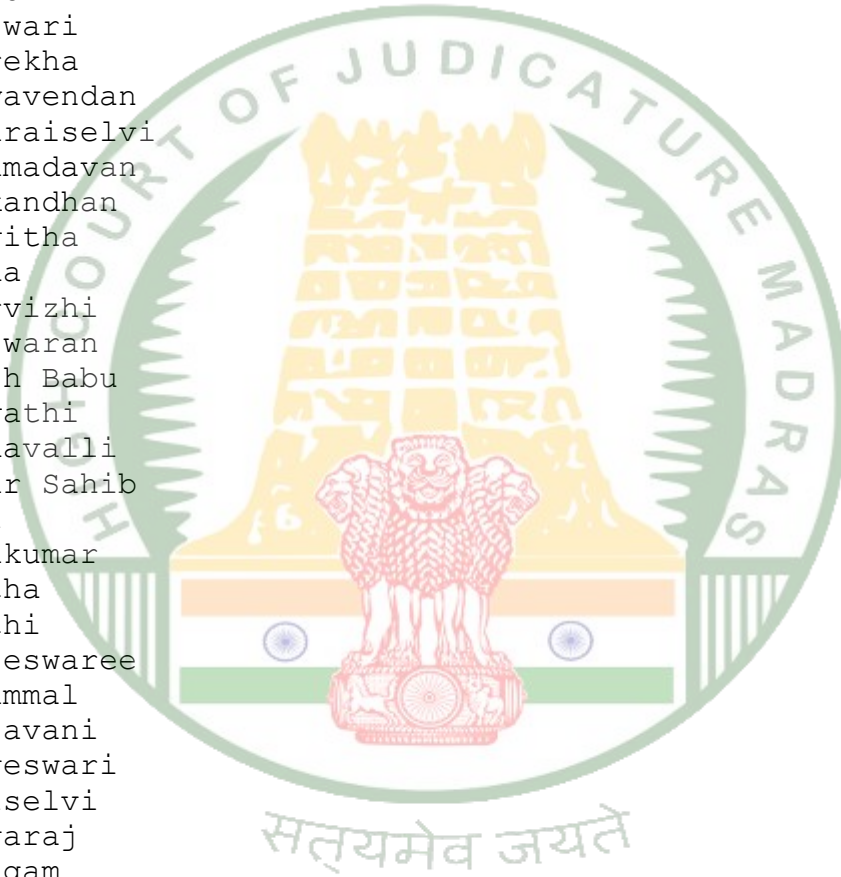
M.P.No.1 of 2015

- 1.V.A.Swarnalatha
- 2.S.Solomanraj
- 3.C.Ganesan
- 4.P.Anutha
- 5.S.Janaki
- 6.U.Balamurugan
- 7.P.Meena
- 8.K.Sudalaimuthu
- 9.S.Sundari
- 10.L.Dhakshinamoorthy
- 11.A.Kalaivani
- 12.R.Kanagavel
- 13.M.Kanagaraaj
- 14.M.Paramasivan
- 15.P.Revathi
- 16.U.Emarajan
- 17.V.O.A.Sulthan Ali Ahmed Khan
- 18.S.Uma Maheswari
- 19.R.Raju
- 20.S.Kader Feroz Khan
- 21.S.Sivalingam
- 22.K.Lakshmi
- 23.D.Vanitha
- 24.G.Jeyaraj
- 25.J.Lordwin
- 26.G.Subbulakshmi
- 27.M.Menaga
- 28.G.Mallika
- 29.M.Sumathi
- 30.M.Kasthuribai
- 31.S.Selvi
- 32.R.Jothirajamani
- 33.S.Jeyanthi
- 34.R.Kaviyarasi



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35.R.Sangeetha
36.M.Sabari
37.R.Guruvammal
38.C.Arundoss
39.C.Leema Rose
40.A.Ajitha Kumari
41.S.Sunitha
42.P.Anitha
43.V.Jenila
44.R.Valarmathi
45.P.S.Ganthimathy
46.S.Kanimozhi
47.G.Mageswari
48.I.Sasirekha
49.P.Ethayavendan
50.V.Thamaraiselvi
51.A.Sethumadavan
52.M.Vivekandhan
53.G.R.Kavitha
54.M.Samiha
55.V.Malarvizhi
56.P.Mageswaran
57.K.Mukesh Babu
58.M.Bagavathi
59.S.Amuthavalli
60.M.Aliyar Sahib
61.K.Selvi
62.B.Muthukumar
63.S.Sujatha
64.D.Sumathi
65.M.R.Rajeswaree
66.R.Rakkammal
67.R.Kokilavani
68.S.Murugeswari
69.K.Kalaiselvi
70.R.Murugaraj
71.M.Arumugam
72.K.Muthiah
73.N.Ashok Kumar
74.S.Velmurugan
75.S.Jebagnanam
76.K.Esther Soniya
77.M.Saraswathi
78.M.Chithra
79.N.Subasankari
80.S.Hepziba Inbamani



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81.U.Anitha
82.K.Thirumal
83.C.Logaraja
84.N.Krishnaveni
85.L.Sangeetha
86.M.V.Srikala
87.K.C.Mathaiyan
88.N.Gopinath
89.P.Indirani
90.K.Saakkan
91.P.Sala

... Petitioners

Vs.

1. Union of India
Represented by its
Secretary to Government,
Human Resources Development Department
of School Education & Literacy,
Shastri Bhavan, New Delhi - 110 115.
2. The Secretary to Government,
Education Department,
Fort St.George,
Chennai-600 009.
3. The Director of School Education,
College Road, Chennai-600 006.
4. The State Project Director,
Sarva Shiksha Abhiyan,
Chennai-600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize the petitioners service for the post of Accountant, Data Entry Operator and MIS Co - Ordinator.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.Su.Srinivasan for R1
Assistant Solicitor General

: Mr.S.Gunasekaran for R2 to R4
Government Advocate

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioners claim that all of them were appointed as Accountant, Data Entry Operator and Management Information System Co - Ordinators and further claims that they were appointed through Employment Exchange and they are working right from the year 2011 without any break. It is also the claim of the petitioners that they were appointed in permanent post, and as such by virtue of long years of service, they are entitled to be regularised and in this regard, their association has submitted a representation dated 05.01.2015 to the fourth respondent and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioners would submit that since the petitioner had put in long and continuous years of dedicated and blemishless service, and further that their requirement is also permanent and perennial in nature, they are entitled to be regularised and prays for appropriate orders.

4.Per contra, Mr.Su.Srinivasan, learned Assistant Solicitor General who accepts notice on behalf of the first respondent and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 2 to 4 had invited the attention of this Court to the appointment orders issued to the petitioners and would submit that even in terms of the orders of appointment, it has been clearly indicated that their services are purely temporary and they are not entitled to get regularisation as a matter of right and they are also likely to be terminated without any notice and the request made by one of them has also been rejected by the fourth respondent vide proceedings dated 07.07.2014 and prays for dismissal of the writ petition.

5.In response to the said submission, the learned counsel appearing for the petitioners would submit that the proceedings relates to enhancement of consolidated pay and fixation of the said pay and it has nothing to do with the regularisation.

6.This Court has considered the rival submissions and also perused the materials placed before it.

7. Though the petitioners prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the Tamil Nadu Education Department Employees Association (Registration No.512/2013) to give one more representation praying for regularisation of the services of their members, within a period of two weeks from the date of receipt of a copy of this order to the fourth respondent, who on receipt of the same, is directed to consider and dispose of the said representation on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the said Association.

8. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS VI)

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To

Sub Assistant Registrar

1. The Secretary to Government,
Human Resources Development Department
of School Education & Literacy,
Shastri Bhavan, New Delhi - 110 115.
2. The Secretary to Government,
Education Department,
Fort St. George, Chennai-600 009.
3. The Director of School Education,
College Road, Chennai-600 006.
4. The State Project Director,
Sarva Shiksha Abhiyan,
Chennai-600 006.

+1cc to Mr.S.Ilamvaludhi, Advocate, S.R.No.58685
+1cc to the Government Pleader, S.R.No.58826

W.P.No.34339 of 2015 and
M.P.No.1 of 2015

SV(CO)
CA(06/11/2015)