



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

Writ Petition(MD)No.354 of 2013

S.Muthammal

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 6.

3.The District Educational Officer,
Nagercoil,
Kanyakumari District. ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the service of the petitioner from the date of her appointment ie., on 12.10.1989 and thereby grant all service and monetary benefit to her.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.V.Muruganandam

Additional Government Pleader

ORDER

The petitioner seeks for a Mandamus, directing the respondents to regularize the service of the petitioner from the date of her appointment and grant all service and monetary benefits.

2. The case of the petitioner is as follows:-

She was appointed as a part-time sweeper by the third respondent through his proceedings dated 12.10.1989. She is continuously working in the said capacity for more than 24 years. However, the respondents have not regularized her service, inspite of her repeated representations seeking for such regularization. Several persons similarly situated were given the benefit of regularization, whereas the petitioner is discriminated.



3. The learned counsel appearing for the petitioner submitted that the first respondent-Government issued G.O.Ms.No.247, School Education (R.1) Department, dated 03.10.2012 and regularized the service of the similarly situated persons. He has also brought to the notice of this Court that another G.O.Ms.No.153, School Education Department, dated 30.09.2011 came to be passed in respect of six similarly situated part-time employees for their regularization. Thus, it is contended by the learned counsel appearing for the petitioner that the petitioner alone cannot be singled out without giving the benefit of regularization.

4. Considering all the above said submissions and in view of the fact that already similarly situated persons were given the benefit of regularization by passing the above said Government Orders, it is for the petitioner to make a representation to the respondents seeking for regularization based on the earlier Government Orders passed in respect of the similarly situated persons. Accordingly, the petitioner is directed to make such representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order. As and when any such representation is made, the first respondent shall consider the same and pass orders in the light of the Government Orders passed in respect of similarly situated persons in G.O.Ms.No.247, School Education (R.1) Department, dated 03.10.2012 as well as in G.O.Ms.No.153, School Education Department, dated 30.09.2011. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of the representation.

5. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2.The Director of School Education, College Road, Chennai - 6.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

+1cc to Mr.D.Selvanayagam, Advocate Sr.No. 5334

+1cc to Spl.Government Pleader Sr.No. 5496

ps