

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

WP.No.11627 of 2015
and
MP.Nos.1 and 2 of 2015
and
WMP.No.16115 of 2016

Kaliammal @ Kalia

... Petitioner

Versus

1. The State of Tamil Nadu
Rep.by the Secretary to Government
School Education Department
Secretariat, Chennai -9
2. The Director of School Education,
College Road, Chennai -6
3. The District Educational Officer,
Erode, Erode. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus to call for the records on the file of the 2nd respondent in connection with the order passed by him in his Proc.Na.Ka.No.24006/D1/E4/2013 dated 15.3.2013 and quash the same and direct the respondents to regularize the service of the petitioner with effect from the date of completion of 10 years of service as done in the case of all other petitioners in W.P.No.29412/10 dated 23.12.2010 with all monetary and service benefits.

For petitioner : Mr.R.Singaravelan
Senior Counsel
for Ms.M.Srividhya

For Respondents : Mr.K.Karthigeyan
Government Advocate

ORDER

The petitioner has filed the above writ petition seeking to quash the order dated 15.3.2013 passed by the second respondent and consequently direct the respondents to regularize the service of the petitioner with effect from the date of completion of 10 years of service in the light of the order dated 23.12.2010 made in W.P.No.29412/10 with all monetary and service benefits.

2. Earlier, the petitioner, who is working as Part time scavenger, filed writ petition No. 29412 of 2010 for regularisation of service in the light of the Government Orders in G.O.(Ms) No.505 dated 14.10.2005, GO (2D) No.32, dated 26.3.2010, G.O (MS) No.88, dated 01.4.1990 and the same was ordered on 23.12.2010 with a direction to the petitioners therein to submit individual representation. Pursuant to the said order, the petitioner made a representation on 03.02.2011 and 25.6.2011. But the second respondent by order dated 15.3.2013 has rejected his claim. Therefore, the petitioner has come to this Court.

3. Pending writ petition, the petitioner has filed Miscellaneous petition in WMP.No.16115 of 2016 seeking to grant interim injunction restraining the respondents from withholding his case for regularisation in the light of the Government Orders and in the light of the order of this Court dated 23.12.2010 made in WP.No.29412 of 2010.

4. Heard Mr.R.Singaravelan, learned Senior counsel for the petitioner and Ms.P.Kavitha learned Government Advocate appearing for the respondents.

5. Though the relief sought for in this writ petition is larger, when the matter is taken up today, the learned Senior counsel for the petitioner confined his argument to the limited extent, directing the respondents to consider the petitioner's representation dated 19.5.2016, in the light of the order dated 23.12.2010 passed by this Court in WP.No.29412 of 2010.

6. Learned Government Advocate appearing for the respondents has no objection to consider and pass orders on the representation dated 19.5.2016.

7. In view of the same, without going into the merits of the case, the respondents are directed to consider the

representation dated 19.5.2016 in the light of the order dated 23.12.2010 passed by this Court in WP.No.29412 of 2010 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
School Education Department
Secretariat, Chennai -9
2. The Director of School Education,
College Road, Chennai -6
3. The District Educational Officer,
Erode, Erode.

1 cc to M/s.M. Srividhya, Advocate, Sr. 28877 (6.6.2016)

W.P.No.11627 of 2015

VGI (CO)
CA(02/06/2016)

सत्यमेव जयते

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