

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10973 of 2013

M.Perumal

.. Petitioner

-vs-

1. The Director of School Education
Chennai 600 006
 2. The District Elementary Educational Officer
Krishnagiri District 635 001
 3. Assistant Elementary Educational Officer
Uthangarai
Krishnagiri District
 4. The Headmaster
Panchayat Union Primary School
Mittapalli
Uthangarai Union
Krishnagiri District
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent, the District Elementary Educational Officer, Krishnagiri District to consider the representation of the petitioner dated 25.12.2012 seeking regularisation of his services in the post of Sweeper.

For Petitioner :: Mr.R.Ramachandran

For Respondents :: Mr.A.Kumar
Special Government Pleader

ORDER

This writ petition has been filed by Mr.M.Perumal seeking a writ of mandamus, directing the District Elementary Educational Officer, Krishnagiri, the second respondent herein to consider his representation for regularisation of his services in the post of Sweeper.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. A perusal of the detailed counter affidavit filed by the respondents shows that the petitioner was appointed through the Parent Teacher Association without any legal sanctity from the competent authority. Therefore, when he was engaged by the Parent Teacher Association on temporary basis, he cannot be said to have the benefit of any scheme of the Government warranting regularisation of his services. This apart, when the petitioner has sought for only regularisation of his services, since he ceased to be in employment from the year 2013, this Court is not in a position to consider the prayer in his favour, because he is not in service, and the Court cannot order regularisation of his services. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.2379 of 2016 is also dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ss
To

1. The Director of School Education
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2. The District Elementary Educational Officer
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4. The Headmaster
Panchayat Union Primary School
Mittapalli
Uthangarai Union
Krishnagiri District

+1 cc to Mr.R.Ramachandran Advocate sr.12226
+1 cc to the Government Pleader High Court Madras
sr.12112

W.P.No.10973 of 2013

aa30/03/2016