

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.18196 of 2013

C.Kalyani

.. Petitioner

Vs

- 1.The Director of School Education,
College Road, Chennai 600 006.
- 2.The Collector,
Nagapattinam District.
- 3.The Head Mistress,
St.Pauls Girls Higher Secondary School,
Mayiladuthurai, Nagapattinam District.
4. The Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.

(R4 impleaded as per the order dated 11.11.2016
made in M.P.No.1 of 2013 in W.P.No.18196 of 2013)

... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India praying for issuance of a writ of Mandamus
directing the respondents to regularise the petitioner's service
from the date of the petitioner's initial appointment and
dispose of the petitioner's representation dated 20.02.2013.

For Petitioner : Mr.S.Ilamvaludhi
For R1 and R2 : Mrs.M.E.Raniselvam
Addl.Govt.Pleader.

For R3 : Mr.M.Joseph Thatheus Jesome

ORDER

The petitioner had joined the service under the third
respondent as a Sanitary Worker in the year 1987. She had been
paid Rs.70/-p.m. as consolidated scale which was later enhanced
to Rs.720/-p.m. The third respondent school has more than 3500
students and about 70 staffs and the petitioner is only sweeper
with meager salary of Rs.720/-p.m. When the petitioner has
made a representation to the District Elementary Officer,
Mayiladuthurai, seeking for regularisation of service, the same

was forwarded to the District Education Officer, Mayiladuthurai, in which is observed that the regularisation of part time Sweeper in to regular time scale of pay is vested with the Government and thereby, it was rejected. Subsequently the third respondent had sent a letter dated 05.02.2013, requesting them to convert the post of part time sweeper into full time sweeper. Since no orders have been passed on the said representation, the petitioner is before this Court.

2. Heard Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner, Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.M.Joseph Thatheus Jesome, learned counsel appearing for the third respondent.

3. The third respondent has filed a counter, in which it is stated that he submitted a representation dated 05.02.2013, requesting the first respondent to convert the post of part time scavenger into full time scavenger and accordingly regularise the services of the petitioner. It was also brought to the notice of the first respondent that the petitioner has been employed for the past 25 years and that more than 3400 girl students and the petitioner is only sweeper employed in the school.

4. The post of sweeper in the third respondent's school is a sanctioned post. The petitioner's representation of the orders had gone into notice for no reason at all. The Government who have earlier regularised the services of daily wages employees in various other panchayat school, who have completed 10 years of service as contemplated under G.O.Ms.No.22 P & R (F) Department dated 28.02.2006. Since the petitioner has put in 25 years of service, it is a fit case where a positive direction to consider the petitioner's claim can be given.

5. Under such circumstances, the petitioner is permitted to make an application before the 4th respondent seeking for converting her part time service into full time service with effect from the date of completion 10 years of service as contemplated under G.O.Ms.No.22 dated 28.2.2006 and on receipt of such a representation, the 4th respondent shall necessary pass orders on the same, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of School Education,
College Road, Chennai 600 006.
- 2.The Collector,
Nagapattinam District.
- 3.The Head Mistress,
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Mayiladuthurai, Nagapattinam District.
4. The Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.

+1cc to Mr.S. Ilamvaludhi, Advocate, S.R.No.65079
+1cc to Mr.M. Joseph Thatheus jerome, Advocate, S.R.No.65197
+1cc to the Government Pleader, S.R.No.65847

scd(CO)
md(30/12/2016)

W.P.No.18196 of 2013

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