

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2016

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.43663 of 2016

Balakrishnan

... Petitioner

-Vs-

1. The Secretary,
Government of TamilNadu,
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education
College Road,
Chennai - 600 006.
3. The Director of Elementary Education,
College Road,
Chennai.
4. The District Education Officer,
Nagapattinam.
5. The District Educational Officer,
Tiruvavur.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to regularise the services of the petitioner in the post of Junior Assistant from 05.07.1991 and further direct them to grant him consequential promotion annual increments, all other monetary benefits and other benefits within a stipulated time.

For Petitioner : Mr.S.sounthar

For Respondents : Mr.O.R.Mahesvaren, Government Advocate
(Education)

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.O.R.Mahesvaren, Government Advocate (Edu.) accepts notice on behalf of the respondents.

2. The petitioner would state that he was working as Junior Assistant in the Government Higher Secondary, Kollapuram. He would further state that his father died on 25.03.1988 while he was working as Teacher in Panchayat Union School Koondalur, Kudavasal Union, Tiruvarur Taluk and the petitioner was appointed as Office Assistant by the proceedings of the 4th respondent and the petitioner joined duty on 12.04.1989 in Panchayat Union Middle School, Nochiyur, Kottur Union and his service was regularised thereafter. Since the petitioner has possessed necessary educational qualification for the post of Junior Assistant, he was appointed as Junior Assistant by the 4th respondent, by proceedings dated 04.07.1991 and he joined in the said post on 05.07.1991 in Government High School, Ettukudi. Subsequently, the petitioner was transferred to various schools and at present, he is working at Government High School, Kollapuram, from 10.05.2010.

3. The petitioner has further stated that though he has put in 25 years of service as Junior Assistant, his service is yet to be regularised and the 4th respondent, by proceedings dated 23.06.1992 in Na.Ka.No.16526A1/91, had sent a proposal for regularisation to the 3rd respondent and subsequently, the 4th respondent by proceedings dated 02.03.1993, directed the petitioner to submit legal heirship certificate and some other documents and that he submitted the same through proper channel on 11.08.1993. The 4th respondent, once again, sought details of property owned by his family and he also submitted the same on 25.06.1997 through proper channel. The grievance of the petitioner is that on account of delay in regularising his service, the annual increment is not fixed for the past 25 years, so also the other consequential benefits. In this regard, he submitted a representation on 06.10.2016. In spite of receipt and acknowledgement of the same, no order has been passed. Hence, the petitioner has filed this writ petition.

4. Heard the submission of the learned counsel for the petitioner and Mr.O.R.Mahesvaren, Government Advocate (Edu.) who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim made by the petitioner, directs the respondents 2 to 5 to act on the

representation of the petitioner dated 06.10.2016 and also taking into consideration, the letter of the Headmaster, Government High School, Kollapuram, Tiruvarur, dated 06.10.2016, on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary,
Government of TamilNadu,
School Education Department,
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Chennai - 600 009.
2. The Director of School Education
College Road,
Chennai - 600 006.
3. The Director of Elementary Education,
College Road,
Chennai.
4. The District Education Officer,
Nagapattinam.
5. The District Educational Officer,
Tiruvarur.

+1cc to Mr.Sounthar, Advocate, S.R.No.74409
+1cc to the Government Pleader, S.R.No.74439

PK(CO)
RS(20/01/2017)

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