



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM:

THE HONOURABLE **MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

AND

THE HONOURABLE **MR.JUSTICE S.NAGAMUTHU**

W.A. (MD) .No. 143 of 2015

and

M.P.No. 1 of 2015

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. george, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 009.
- 3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District -629 001.
- 4.The District Educational Officer,
Nagercoil,
Kanyakumari District-629 001.
- 5.The Regional Inspector of Physical Education,
Kanyakumari Region, CEO Office Campus,
Nagercoil,
Kanyakumari District-629 001.
- 6.The Headmistress,
Government Higher Secondary School
Vallankumaravillai,
Kanyakumari District-629 802. : Appellants/Respondents

Vs.

C.John singh
Government Higher Secondary School
Vallankumaravillai
Kanyakumari District : Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent
against the order dated 26.02.2014 made in W.P.(MD).No. 13209 of
2009 on the file of this Court.



Prayer in WP(MD). 13209/ 2009 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorarified mandamus or any other appropriate writ or order or direction of a like nature calling for the records on the files of the 3rd respondent pertaining to its order dated 11.03.2009 in Na.Ka.No. 8021/A1/2008 and quash the same consequently directing the respondents to appoint the petitioner as a office Assistant in the 6th respondent school with all attendant benefits.

For Appellants : Mr.A.K.Baskarapandian

For Respondent : Mr.S.Xavier Rajini

JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble The Chief Justice]

The case of the respondent/original petitioner is that he joined as a Marker on 07.06.1996 in the Government Higher Secondary School, Kurathiarai and continued to work there till 2005. The respondent/original petitioner claims benefit under G.O.No.527 dated 30.12.1997 and on the basis of Government letter No.235 dated 23.11.2006 giving benefit to 97 Markers working in the Government/ Municipal and Corporation schools are to be regularised.

2. The list of the working Markers in the year 1997 was prepared showing the names of the existing Markers in compliance with the G.O. The name of the respondent/original petitioner was, however, not in that list.

3. The respondent/original petitioner has produced the document issued by the school, where he was working, certifying that he has been employed so before the cut off date. It is not the case of the appellants that this certificate is fabricated or disbelieved. The only defence is that since the name of the respondent did not appear in the list prepared, his services were not regularised.

4. In terms of the order of the learned single Judge, dated 26.02.2014, the aforesaid facts have been taken into account and also the plea that the name was excluded, by mistake, once the respondent had started working before the cut off date and it is not disputed that he would get the benefit there of, the plea that he was not working before the cut off date, cannot be accepted.



5. In view of the aforesaid reasons, we find no merit in this writ appeal. Accordingly, the writ appeal is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(As)

/True copy/

Sub Assistant Registrar

To

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+1 cc to M/s.Xavier Rajini, Advocate in SR.No. 78823

RR

CSL/PV/22.12.2016: 3P/8C

JUDGMENT MADE IN
W.A(MD) No.143 of 2015
and M.P.No.1 of 2015
Dated: 01.12.2016