



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2016

CORAM:

WEB COPY THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P(MD) No.983 of 2016

P.Rathinagiri

... Petitioner

Vs.

1.The Secretary,
School Education Department,
Secretariat,
Chennai.

2.The Director,
Directorate of School Education,
DPI Campus,
College Road,
Chennai.

3.The District Educational Officer,
O/o.District Educational Office,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularize the petitioner's service from the date of initial appointment as per G.O.Ms.No.36(School Education Department), dated 02.06.2015 with all service benefits, with arrears as that of the similarly placed persons.

For Petitioner : Mr.R.Lashmanan

For Respondents : Mr.V.Muruganandham,

Additional Government Pleader

ORDER

The petitioner seeks for a Mandamus directing the respondents to regularize the petitioner's service from the date of initial appointment as per G.O.Ms.No.36(School Education Department), dated 02.06.2015 with all service benefits, with arrears as that of the similarly placed persons.

2. The case of the petitioner is that he was appointed as part-time employee through employment exchange in the sanctioned post and he filed a Writ Petition in W.P.No.2839 of 2008 along with 31 similarly placed persons and in which, an order has been



passed directing the respondents to pass appropriate orders. Thereafter, G.O.Ms.No.116, dated 05.08.2011 has been passed and by which, the petitioner's service was regularized from the date of issuance of the said G.O.

3. The grievance of the petitioner is that the service of one Solairaj, who had been working along with the petitioner, was regularized from the date of his initial appointment, by virtue of G.O.Ms.No.36, dated 02.06.2015. Hence, the service of the petitioner should also be regularized from the date of his initial appointment on 22.06.1992 and not from the date of issuance of G.O.Ms.No.116, dated 05.08.2011.

4. The petitioner had not explained, how he can claim parity with the said Solairaj. The petitioner had accepted the regularization as per G.O.Ms.No.116, dated 05.08.2011, which would take effect from the issuance of the said G.O., which estopped from challenging G.O.Ms.No.36, dated 02.06.2015, a Special G.O., issued for an individual.

5. However, the learned Additional Government Pleader is not able to explain as to how or what is special in the case of said Solairaj.

6. The petitioner has also made a representation to that effect to the respondents on 06.11.2015 to consider the case of the petitioner as he is also similarly placed as like the said Solairaj and to extend the benefits of G.O.Ms.No.36, dated 02.06.2015.

7. The learned counsel for the petitioner relied on the judgment in **C.Eswaran and three others vs. The Secretary to Government and another** reported in **2011(1)CWC 358**, contending that if one point is decided in favour of a group of persons, it is not necessary for every similarly placed person to challenge and come before the Court, as the judgment would equally be applicable to all the similarly placed persons.

8. Though the above principle is settled, neither the petitioner nor the respondents are able to say how the said G.O.36 is applicable to all the similarly placed persons or it is applicable only to the said Solairaj as a special case respectively.

9. In the light of the above facts, without going into the merits of the case, the respondents are directed to consider the representation of the petitioner, dated, 06.11.2015, and pass orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar(Record)

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/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

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To

- 1.The Secretary,
School Education Department,
Secretariat,
Chennai.
- 2.The Director,
Directorate of School Education,
DPI Campus,
College Road,
Chennai.
- 3.The District Educational Officer,
O/o.District Educational Office,
Karur District.

+1 cc to Special Government Pleader SR No.12107

+1 cc to Mr.R.Lashmanan, Advocate, SR No.11992

RG.AAL-MPA/SAR-I 11.03.2016 3P/6C

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