

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4120 of 2017

and

W.M.P.Nos.4272 and 4273 of 2017

A.P.Vimal

.. Petitioner

Vs

1.The Secretary to Government,  
Department of School Education  
Fort St.George,  
Chennai - 600 009.

2. The Director of School Education,  
DPI complex, College Road,  
Chennai - 600 006.

3. The Joint Director (Vocational),  
Education , DPI Complex,  
College road,  
Chennai - 600 006.

4. The Chief Educational Officer,  
Vellore, Vellore District.

5. The Head Master,  
Government Boys Higher Secondary School,  
Timiri, Vellore District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st respondent herein to consider the petitioner's 16 years of long and continuous service of vocational instructor (General Machinist) service in the 5th respondent school and to regularise the same as permanent service with retrospective effect from 6.1.2000 with all back wages and other attendant benefits.

For Petitioner : Mr.S.Arunkumar  
No appearance

For Respondents : Mr.K.Dhananjayan,  
Special Government Pleader

O R D E R

Learned counsel for the petitioner is absent.

2. The petitioner, at present, is working as a Vocational Instructor (General Machinist) in the service of the 5th respondent School. He was appointed on 06.01.2000 and he claims that he has put in 16 years of hard, sincere and blemishless service. The petitioner would aver that on an earlier occasion, he filed W.P.No.2229/2016 against the respondents herein praying for issuance of Writ of Mandamus directing the respondents, more particularly, the 2nd respondent herein to consider and dispose of his application dated 18.09.2015 and to absorb him as a full time Vocational Instructor Grade-II in terms of G.O.(Ms) No.35 dated 09.02.2007 and this Court, vide order dated 22.11.2016, has directed the said official to consider and dispose of the said application on merits and in accordance with law within a stipulated time. The 5th respondent also made a positive recommendation to the 4th respondent vide letter in Na.Ka.No.07/15-16 dated 26.01.2016 for regularising of his service. Since no response is forthcoming, the petitioner also submitted a representation dated 01.12.2016 to the respondents 1 to 5 and despite receipt and acknowledgment, so far no orders have been passed. Hence, he came forward to file this writ petition.

3. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents and would submit that the petitioner as a matter of right cannot claim for regularisation and prays for dismissal of the writ petition.

4. This Court has considered the submissions of the learned Special Government Pleader and perused the materials placed on record.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner directs the respondents 2 and 4 to take into consideration the order dated 22.01.2016 passed in W.P.No.2229 of 2016 as well as the representation dated 01.12.2016 submitted by the petitioner on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to

the petitioner as well as the 5th respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

sd/

Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

vsi

To

- 1.The Secretary to Government,  
Department of School Education  
Fort St.George, Chennai - 600 009.
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5. The Head Master,  
Government Boys Higher Secondary School,  
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+1cc to Government Pleader SR.No.11159

W.P.No.4120 of 2017

NRI (CO)  
GN(07/03/2017)

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