

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4393 of 2017

M.Velu

..Petitioner

Vs

1.Government of Tamilnadu,
Rep.by its Secretary,
Higher Education Department,
Fort St.George,
Chennai 9.

2.The Director,
Directorate of Collegiate Education,
College Road,
Chennai 600 006.

3.The Principal,
Government Mens Arts College,
Krishnagiri 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 respondents 1 and 2 to extend the benefit of GO Ms No.87, Higher Education Department dated 26.04.2010 as well as GO MS No.78, Higher Education Department dated 05.06.2014 in the light of the proposals dated 13.09.2011, 29.06.2012, 22.11.2013, 10.09.2014 and 01.09.2016 sent by the third respondent and to appoint the petitioner in the post of Office Assistant with all consequential benefits within a specified period.

For Petitioner : Mr.S.Mani
For Respondent : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, , learned Additional Government Pleader accepts notice for the respondents 1 to 3.

2. The petitioner would aver that he belongs to MBC community failed in X standard and on 05.09.2001, appointed as Library Boy by the proceedings of the third respondent on daily wage basis. He discharged his duty diligently to the satisfaction of the superior officer and put 15 years of continuous service in that capacity. It is further averred by the petitioner that the third respondent taking note of the service rendered by the petitioner has made positive proposal through proceedings Na.Ka.No.494 A/2011 dated 10.02.2014 to the second respondent. Once again, the third respondent forwarded the proposal on 01.09.2016 in Na.Ka.No.10/A/2016 to the second respondent. The petitioner also submitted a representation praying for his regularisation through proper channel. Since no order has been passed so far, the petitioner came forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that in the light of positive proposals submitted by the third respondent to the second respondent and also in the light of G.O.Ms.No.87, Higher Education Department dated 26.04.2010, there cannot be impediment on the part of the second respondent to forward the proposal to the first respondent for purpose of regularisation of the petitioner. Since it has not been done, the petitioner is constrained to file this writ petition.

5. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents would submit that the petitioner as matter of right cannot pray for regularisation and seeks time to get necessary instructions.

6. This Court considered the rival submissions and perused the typed set of documents.

7. 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 second respondent to act on the proposals of the third respondent dated 10.02.2014 in proceedings Na.Ka.No.494 A/2011 and dated 01.09.2016 in Na.Ka.No.10/A/2016 and the papers, otherwise forward the same to the first respondent within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the first respondent is directed to consider the said proposal on merits and in accordance with law after taking note of G.O.Ms.No.87, Higher Education Department dated 26.04.2010 and

pass appropriate orders within a further period of ten weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Secretary,
Government of Tamilnadu,
Higher Education Department,
Fort St.George,
Chennai 9.
2. The Director,
Directorate of Collegiate Education,
College Road,
Chennai 600 006.
3. The Principal,
Government Mens Arts College,
Krishnagiri District.

+1cc to Mr.S.Mani, Advocate, S.R.No.11295

SV(CO)
RS(20/03/2017)

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