

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.31879 of 2017 and

WMP.No.35026 of 2017

M.Kalaiselvi

.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. by the Secretary to Government,
Education Department,
Secretariat, Chennai-9.
2. The Director of School Education,
College Road, Chennai-6.
3. The Chief Educational Officer,
Coimbatore District,
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the respondents to regularise the service of the petitioner w.e.f. the date of initial appointment with all monetary and service benefits.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.P.Sanjay Gandhi,
1 to 3 Additional Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to regularise the service of the petitioner w.e.f. the date of her initial appointment with all monetary and service benefits.

2. The case of the petitioner is that she was appointed as a Junior Assistant through Employment Exchange with a gross remuneration of Rs.4,000/- p.m. by an order dated 8.7.2003 issued by the District Collector, Coimbatore and she has been continuously working without any complaint. While so, the Tamil Nadu Public Service Commission has conducted Special Qualifying Examination for the regularisation of the candidates like that of the petitioner. The petitioner along with other candidates participated in the said examination. Unfortunately, the

petitioner used pencil for marking the objective questions. Therefore, her service was not regularised. However, she has been allowed to continue in the same post for the past 14 years with the consolidated pay of Rs.4,000/- p.m. and her repeated representations dated 12.03.2015 and 16.11.2017 to the 2nd respondent to regularise her service were not taken note of. Hence the present Writ Petition.

3. Learned Counsel for the petitioner submitted that the Government have issued G.O.Ms.No.71 dated 05.05.1998 and G.O.Ms.No.22 dated 28.02.2006, directing the concerned departments to regularise the employees who are in service continuously more than 10 years. In spite of the above said Government Orders and several representations of the petitioner, her service has not been regularised. Hence, the learned Counsel prays that a suitable direction may be issued to the respondents to regularise the service of the petitioner.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3 submitted that the petitioner representations dated 12.03.2015 and 16.11.2017 would be considered in the light of G.O.Ms.No.71 dated 05.05.1998 and G.O.Ms.No.22 dated 28.02.2006 and suitable orders would be passed.

5. Recording the said statement of the learned Additional Government Pleader, the 2nd respondent is hereby directed to consider the representation of the petitioner, who has been working continuously for more than 13 long years in the light of G.O.Ms.No.71 dated 05.05.1998 and G.O.Ms.No.22 dated 28.02.2006 and to pass appropriate orders to regularise her service, within a period of six weeks from the date of receipt of a copy of this Order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tsi

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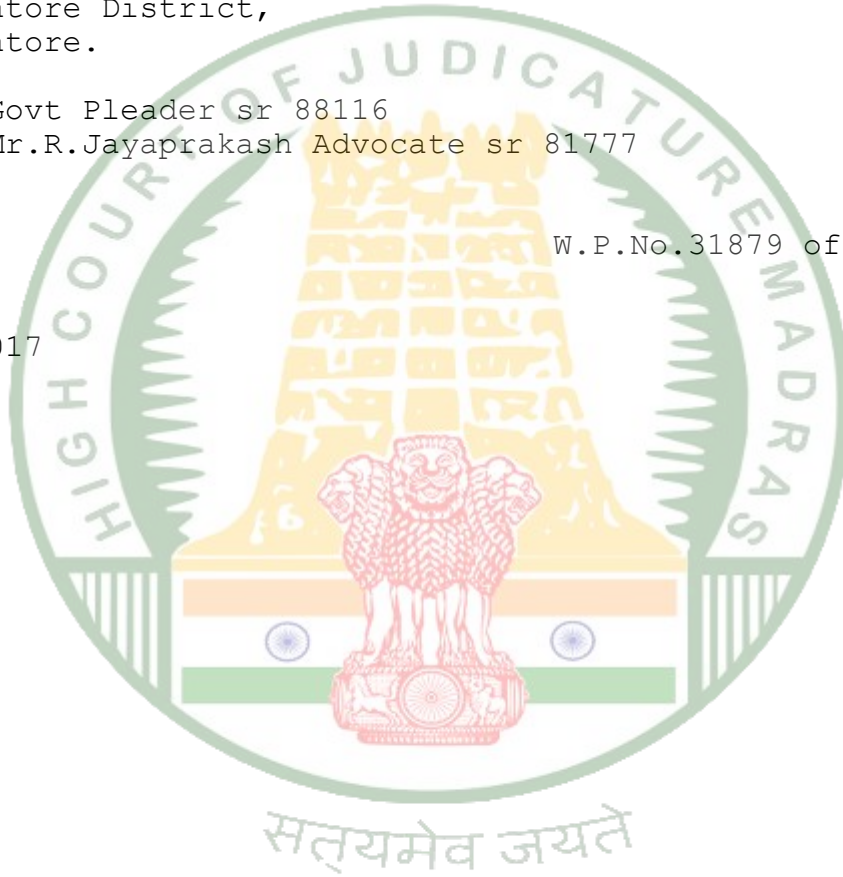
1. The Secretary to Government,
State of Tamil Nadu,
Education Department,
Secretariat, Chennai-9.
2. The Director of School Education,
College Road, Chennai-6.
3. The Chief Educational Officer,
Coimbatore District,
Coimbatore.

+1 cc to Govt Pleader sr 88116

+1 cc to Mr.R.Jayaprakash Advocate sr 81777

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