

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20142/2010 and M.P.Nos.1 of 2010 & 1 of 2011  
and  
W.P.No.20143/2010 and M.P.Nos.1 of 2010 & 1 of 2011

1.D.Jeba Selvam Santhaseeli ...Petitioner in W.P.No.20142/2010

2.C.Jayaraman ...Petitioner in W.P.No.20143/2010

Vs.

1.The Chief Educational Officer,  
Panagal Maligai,  
Saidapet,  
Chennai - 600 015.

2.The District Educational Officer,  
Chennai North, Chennai - 600 008.

3.The Correspondent,  
WPA Soundarapandian Higher  
Secondary School,  
Ayanavaram,  
Chennai - 600 023. ...Respondents in both W.P's

Common Prayer: The writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to regularize the service of the Petitioner in the post of Secondary Grade Teacher in the 3<sup>rd</sup> Respondent School, with all backwages and monetary benefits.

For Petitioners: Mr.S.Parthasarathy (in both W.P.'s)

For RR 1 & 2 : Mr.R.Vijayakumar, (in both W.P.'s)  
Learned Addl., Government Pleader.

For R3 : Mr.M.Ramdoss (in both W.P.'s)

C O M M O N O R D E R

As the issue involved in both the Writ Petitions is one and the same, the cases are taken up for disposal by a Common Order.

2. The relief sought for in these writ petitions are for seeking to issue a direction to the respondents to regularize the service of the Petitioner in the post of Secondary Grade Teacher in the 3<sup>rd</sup> Respondent School, with all back wages and monetary benefits.

3. The learned counsel appearing on behalf of the petitioners state that the petitioner in W.P.No.20142 of 2010 is possessing the educational qualification of B.A. Tamil literature and she was appointed as Management Staff in the third respondent school and thereafter, she was promoted to the post of Clerk and subsequently, appointed as Secondary Grade Teacher. The learned counsel appearing for the petitioners stated that the petitioner in W.P.No.20142 of 2010 was ousted from service with effect from 01.06.2010 and she is out of employment for the past 7 years.

4. However, in respect of regularisation, this Court is not inclined to issue direction to the respondents. Regularisation cannot be granted, if appointment was made not in accordance with the recruitment rules in force. All appointments are to be done only in accordance with rules in force. Thus, this Court is of the opinion that permanent absorption or regularisation cannot be granted, contrary to the service rules in force.

5. In the present case on hand, the petitioners have not established the fact that they were initially appointed by the Management according to the rules in force. However, the same has to be verified by the Management and necessary action to be taken. The petitioner in W.P.No.20142 of 2010 has submitted her representation in this regard to the respondent on 10.06.2010. The Chief Educational Officer has also issued a proceeding on 18.06.2010 stating that the Management should initiate action in respect of the case of the petitioner and inform the same to the competent authorities. This Court is not clear about the facts regarding the action taken by the third respondent in this regard.

6. Thus, without going into the merits of the case, the third respondent is directed to initiate appropriate action in this regard, considering the case of the petitioners and pass orders on merits in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The petitioners are also directed to submit their representations along with a copy of the order received in these writ petitions.

7. Accordingly, the Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

sts

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

To Sub Assistant Registrar

- 1.The Chief Educational Officer,  
Panagal Maligai,  
Saidapet,  
Chennai - 600 015.
- 2.The District Educational Officer,  
Chennai North, Chennai - 600 008.
- 3.The Correspondent,  
WPA Soundarapandian Higher  
Secondary School,  
Ayanavaram,  
Chennai - 600 023.

+2cc to Mr.S.Parthasarathy, Advocate SR.No.84711 & 84712  
+1cc to Government Pleader SR.No.85111

sm:2.1.2018

Common Order in  
W.P.Nos.20142 & 20143 of 2010  
सत्यमेव जयते

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