

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.10381 of 2012

and

M.P.No.1 of 2012

R.Arulmozhi

... Petitioner

Vs

1.The Director of School Education,
Chennai - 6.

2.The Chief Educational Officer,
Cuddalore.

3.The District Educational Officer,
Cuddalore.

4.The Headmaster,
Government Girls Higher Secondary School,
Virudhachalam - 606 001,
Cuddalore District.

(R4 Impleaded as per order dated 24.07.2017 by MVMJ in
W.M.P.No.20209/17 in W.P.No.10381/12)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to regularise the service of the petitioner PG Assistant-Maths from the date of his appointment and confer all the consequential benefits, including the promotion to the post of Headmaster-Higher Secondary School.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondents : Mr.R.Govindasamy
Special Government Pleader

ORDER

The writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus to direct the respondents to regularise the service of the petitioner PG Assistant-Maths from the date of his appointment

and confer all the consequential benefits, including the promotion to the post of Headmaster-Higher Secondary School.

2. I heard Mr.P.Ganesan for C.S.Associates, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents.

3. The Respondents 1 to 3 filed their counter in which paragraph No.5 which reads as follows:

With regard para No.5 and 6 of the affidavit it is submitted that the proposal for regularisation was submitted to the 1st respondent on 23.09.1998. Since the relevant Certificate, required for regularisation was not submitted by the petitioner. The 1st respondent is unable to forward his proposal to the Government. Even though the 1st respondent had already asked to submit the relevant certificates for regarding as per their proceedings Rc.No.43298/W19/99, dated 09.07.2001. The petitioner had not submitted the relevant certificate. Consequently, submission of the proposal to the Government is delayed.

4. The learned Special Government Pleader submitted that the person namely, Headmaster, Government Girls Higher Secondary School should be impleaded as authority and he is a competent person to send a proposal for regularization of the petitioner. Therefore, this Court directs the petitioner to implead the Headmaster, Government Girls Higher Secondary School, Virudhachalam - 606 001, Cuddalore District. Accordingly, as per the order of this Court dated 04.03.2013 in M.P.No.1 of 2012, the Headmaster, Government Girls Higher Secondary School is impleaded as 4th respondent.

5. Admittedly, the petitioner was appointed on compassionate ground dated 21.02.1989 as Post Graduate Maths Teacher in Government Higher Secondary School, Thakolam, North Arcot District, consequent on the death of his father on 20.07.1987, who was working as Tamil Pandit. The proposal for regularization of the petitioner was submitted to the 1st respondent on 23.09.1998. Since the relevant certificates were not submitted by the petitioner, the proposals has been returned.

6. The first respondent instructed the 4th respondent to submit the proposal with relevant certificate vide their Proceedings Rc.No.43298/W19/99 dated 09.07.2001 and in turn the 4th respondent directed the petitioner to submit with relevant certificates earlier. But the petitioner has not complied the same and there was a delay in regularization of the petitioner's service.

7. Admittedly, the Headmaster, Government Girls Higher Secondary School alone should sent the proposal to the first respondent whereas in this case, the petitioner had not submitted the particulars and certificates instructed by the 1st respondent. Hence the regularization of his services are delayed. The first respondent instructed to submit the proposal mentioning 20 points, in their proceedings in RC.No.43298/W2/S1/99 dated 12.06.2010. The petitioner has not taken any steps to submit with relevant certificates.

8. This Court, without going into the merits of the case, I am inclined to direct the 4th respondent to send the proposal to the 1st respondent for the regularisation of the petitioner's service within a period of 15 days from the date of receipt of a copy of this order and on receipt of such representation, the first respondent is directed to consider the proposal and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks thereafter.

9. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of School Education,
Chennai - 6.

2.The Chief Educational Officer,
Cuddalore.

3.The District Educational Officer,
Cuddalore.

4.The Headmaster,
Government Girls Higher Secondary School,
Virudhachalam - 606 001,
Cuddalore District.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.55413

W.P.No.10381 of 2012

CS V
CA(18/09/2017)

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