

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.3.2018
CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.481 of 2018

G.Rupus David

Appellant/Petitioner

Versus

1. Director of School Education,
College Road, Chennai 600 006.
2. The District Educational Officer,
Coonoor Educational District,
Mount Pleasant,
Coonoor,
Nilgiris District 643 101.
3. The Secretary,
School Committee,
C.S.I. Higher Secondary School,
Ketti, Nilgiris District 643 215.

Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.11.2017 passed in W.P.No.30090 of 2017 on the file of this court.

W.P.No.30090 of 2017:

Petition under Article 226 of the constitution of India, praying for the issue a Writ of Mandamus, directing the second respondent to pass appropriate orders on the representation dated 25.01.2016 within a specific period.

For appellant : Mr.P.Ganesan

For respondents: Mr.V.Annalakshmi, Government Advocate
for R1 & R2

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Unsuccessful petitioner is the appellant seeking to regularise his services from the date of his initial appointment as Secondary Grade Teacher.

2. The admitted factual matrix for filing the writ appeal is as follows:-

The third respondent is a minority institution and the petitioner was appointed as Secondary Grade Teacher on 1.7.1994 and it was approved on 1.6.1995 by the official respondents 1 and 2 and thereafter, he has been making repeated representations seeking to regularize his services from the date of his initial appointment. Further, the learned counsel for the appellant has submitted that a similarly placed person has made a representation which was rejected by the official respondent and thereafter, he had approached this Court by way of a writ petition and ultimately, the matter has been settled in the writ appeal whereby the official respondent was directed to take up the initial date of appointment as the date of regularization and accordingly, he has been given the benefit and hence, the appellant in the present writ appeal has also filed a representation before the authority and since the same was not considered and he has filed the writ petition.

3. In para 2 of the order the learned Single Judge observed as under:-

"But this court is unable to accede to the said prayer. When the petitioner was appointed on 1.7.94 and on receipt of the proposal sent by the third respondent to the second respondent, his order of appointment was approved only with effect from 1.6.95, the petitioner had slept over the matter for 21 long years. The passage of long time attributes laches on the part of the petitioner. Therefore, this court is not inclined to entertain the writ petition. Accordingly, the writ petition stand dismissed on the ground of long delay. ..."

4. Challenging the correctness of the said finding given by the learned Single Judge, the learned counsel appearing for the appellant would submit that he was frequently making representations and hence, there is continuous cause of action and therefore, the official respondent may be directed to consider his representation and pass orders.

5. We are unable to affix the seal of approval to uphold the contentions of the learned counsel appearing for the appellant since he has slept over the matter for 21 years and it has been properly appreciated by the learned Single Judge while dismissing the writ petition. We do not find any irregularity or illegality in the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

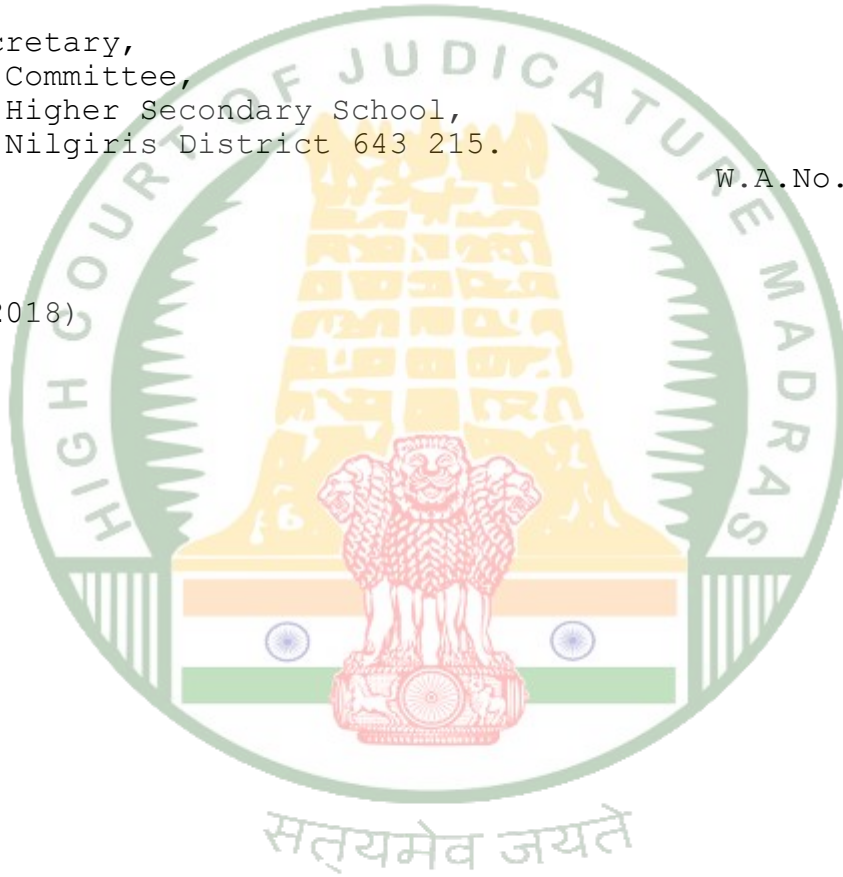
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To:

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PPA(CO)
SP(26/04/2018)



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