



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.546 of 2018
and C.M.P. (MD) No.3111 of 2018

- 1.State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Secretariat, Chennai.
 - 2.The Director of School Education,
Chennai - 6.
 - 3.The Chief Educational Officer,
Tirunelveli.
 - 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
- ...Appellants/Respondents

Vs.

K.Lakshmi ...Respondent/Writ Petitioner

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.5952 of 2017 dated 19.04.2017.

Prayer in WP(MD). 5952/ 2016 :

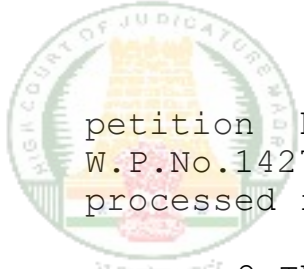
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to pass an order of regularization on completion of 10 years of service i.e. with effect from 2004 with arrears of salary as per the order passed by this Honble Court in WP No.14277 of 2008, dated 26/06/2008 with all consequential benefits.

For Appellants: Mrs.S.Srimathy
Special Government Pleader
For Respondent: Mr.V.Panneerselvam

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

This writ appeal has been preferred against the order of the learned Single Judge, who was pleased to allow the writ



petition based upon the earlier order dated 26.06.2008, in W.P.No.14277 of 2008, by which regularization was directed to be processed from the date of initial appointment of the respondent.

2.The learned Special Government Pleader appearing for the appellants would submit that regularization was indeed done with effect from 08.04.2008. The respondent is not entitled to regularization from the year 2004 onwards.

3.We do not find any merit in this appeal. What is to be seen is the attaining of finality of the order passed in W.P.No.14277 of 2008 dated 26.06.2008, which was between the inter se parties. Therefore, collaterally such order cannot be reviewed. In such order, it is stated that the appellants have to regularize the service of the respondent on the completion of 10 years of service by her. In such view of the matter, 10 years period is completed in the year 2004 as ordered by this Court. Hence, this writ appeal is liable to be dismissed.

4.Accordingly, the Writ Appeal stands dismissed. However, the question of regularization of part time service is not decided in this appeal. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

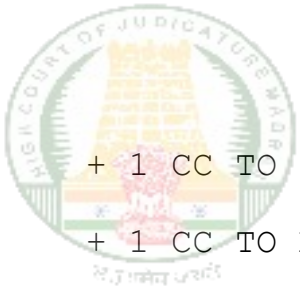
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The Secretary,
Education Department,
State of Tamil Nadu,
Secretariat, Chennai.
- 2.The Director of School Education,
Chennai - 6.
- 3.The Chief Educational Officer,
Tirunelveli.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.



+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.84050

+ 1 CC TO MR.V.PANNEERSELVAM, ADVOCATE IN SR NO.83897

SJ

BU/PM/SAR-I :10.10.2018 : 3P/7C

W.A. (MD) No.546 of 2018
and C.M.P. (MD) No.3111 of 2018
11.09.2018