



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) .No.1250 of 2018

and

W.M.P. (MD) No.1336 of 2018

R.Sankaranarayanan,
S/o.N.Ravikumar,
Junior Assistant,
O/o.the Assistant Director (Panchayat),
Madurai - 625 020. ...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-9.
- 2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Personnel Administrative Reforms (M) Department,
Secretariat,
Chennai -9.
- 3.The Secretary,
The Tamil Nadu Public Service Commission,
O/o.the Tamil Nadu Public Service Commission Office,
Chennai-3.
- 4.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai,
Chennai-9.
- 5.The District Collector,
Madurai District,
Madurai.
- 6.The Personal Assistant to the District Collector,
O/o.The District Collector Office,
Madurai District,
Madurai.

7.The Assistant Director (Panchayat),
Madurai- 625020. ... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service with effect from 17.03.2007 the date on which the petitioner was appointed and consequentially to confer all other attendant and monetary benefits including the promotion from the date on which the petitioner's junior was appointed.

For Petitioner	: Mr.Md.Imran
	For Ajmal Associates
For Respondents	: Mr.J.Gunaseelan Muthiah
(1,2,4 to7)	Additional Government Pleader
For R-3	: Mr.D.Sivaraman

ORDER

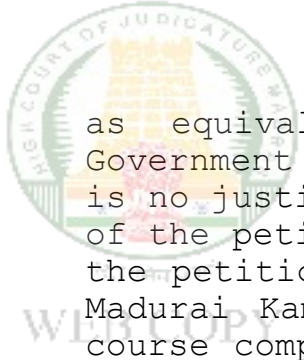
Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner's mother was working as Junior Assistant in the office of the seventh respondent. She passed away on 19.05.2000, while in service. The petitioner was therefore given compassionate appointment on 14.03.2007, as Junior Assistant in Usilampatti Panchayat Union. The petitioner's services have however not been regularised so far. The reason appears to be that the petitioner had completed 8th Standard and thereafter completed the Pre- Foundation course through open University at Madurai Kamaraj University.

4.The learned Additional Government Pleader appearing for the respondents submitted that the concurrence of the Tamil Nadu Public Service Commission has been sought for in this regard and only thereafter the petitioner's services can be regularised.

5.The learned counsel appearing for the petitioner drew the attention of this Court to the clarification provided by the Tamil Nadu Public Service Commission, vide communication dated 24.11.2009. In the said communication, it has been stated by virtue of G.O.(Ms). No.528, Personnel and Administrative Reforms (P & AR) Department, dated 18.05.1985, the Pre-Foundation course of Madurai Kamaraj University can be recognized as equivalent to the SSLC public examination of Tamil Nadu Government for the purpose of entry into public services. G.O.(Ms).No.528, Personnel and Administrative Reforms (P & AR) Department, dated 18.05.1985, is very much holding the field. When the said Government order had clarified that the Pre- Foundation course of Madurai Kamaraj University be recognized



as equivalent to the SSLC public examination of Tamil Nadu Government for the purpose of employment into public services, there is no justification on the part of the respondents to keep the issue of the petitioner's regularisation pending for so long. Admittedly, the petitioner had completed Pre-Foundation course conducted by the Madurai Kamaraj University. The petitioner has also enclosed the course completion certificate dated 21.12.2000, in the typed set of papers.

6. Therefore, in view of the aforesaid Government Order and the possession of requisite qualification by the petitioner, the first respondent is directed to regularise the petitioner's service with effect from 17.03.2007 and confer all the consequential benefits. Such an order shall be issued by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary,
Rural Development and Panchayat Raj Department, Secretariat,
Chennai-9.
2. The Secretary,
Personnel Administrative Reforms (M) Department,
Secretariat, Chennai -9.
3. The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Chennai-9.
4. The District Collector,
Madurai District, Madurai.
5. The Personal Assistant to the District Collector,
O/o. The District Collector Office,
Madurai District, Madurai.
6. The Assistant Director (Panchayat),
Madurai- 625 020.

+One cc to M/s. Ajmal Associates, Advocate, SR.No.50423

+One cc to Mr.D.Sivaraman, Advocate, SR.No.50047

+One cc to The Special Government Pleader, SR.No.51020

tsg

RL/10C/3P/SKN/RSK/SAR2/14/3/2018

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