

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.09.2019
CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5616 of 2018
and
W.M.P.No.6941 of 2018

1.M.Velmurugan
2.B.Balaji
3.K.Kesavan
4.A.Balamurugan
5.K.Senthil
6.C.Sudhakar
7.P.Ranganayaki
8.V.Chandran
9.A.Shanmuganandham
10.M.Kandhavel
11.A.Sivakumar
12.R.Pattu

...Petitioners

Versus

- 1.The Secretary to Government,
Department of Elementary Education and Literacy,
Ministry of Human Resources Development,
Government of India,
New Delhi - 200 000.
- 2.The State of Tamil Nadu rep. by
The Secretary to Government,
School Educational Department,
Chennai - 9.
- 3.The State Project Director,
Sarva Shiksha Abhiyan,
District Primary Education Programme,
Chennai - 2.
- 4.The Chief Educational Officer/
District Project Coordinator,
Sarva Shiksha Abhiyan,
Erode,
Erode District.

5.The Chief Educational Officer/
District Project Coordinator,
Sarva Shiksha Abhiyan,
Coimbatore,
Coimbatore District.

6.The Chief Educational Officer/
District Project Corrdinator,
Sarva Shiksha Abhiyan,
Vellore,
Vellore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to regularize the service of the petitioners with effect from the date of their appointment in the post of Civil Engineers engaged to carry on Sarva Shiksha Abhiyan Programme aimed to attain the mandate of Article 21 A of the Constitution of India and compliance with the exception curved out in Para No.53 of the Uma Devi case in 2006 (4) SCC 1 (CB), by considering their representation dated 09.01.2018.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.A.Raja Perumal
Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioners, seeking for issuance of writ of Mandamus directing the respondents to regularize the service of the petitioners with effect from the date of their appointment in the post of Civil Engineers engaged to carry on Sarva Shiksha Abhiyan Programme aimed to attain the mandate of Article 21 A of the Constitution of India and compliance with the exception curved out in Para No.53 of the Uma Devi case in 2006 (4) SCC 1 (CB), by considering their representation dated 09.01.2018. Since the facts and circumstances and also the prayer sought for in this writ petition is taken up for final disposal.

2. The case of the petitioners is that they have been appointed as Civil Engineers on consolidated pay of Rs.4,500/- per month to carry on the Central Government Programme aimed to achieve univarilisation of elementary education in a time bound manner as mandated by the 86th Amendment of the Constitution of India, whereby the Government has framed a policy of making free

and compulsory education to children between the age group of 6 and 14 years. The said project is popularly known as "Sarva Shiksha Abhiyan (SSA)" which means Education for all movement. According to the petitioner(s), they have been completed more than 10 years of continuous service under SSA program. The petitioners have been longing for regularization of their services having rendered by them for more than 10 years. The grievance of the petitioners is that despite their long continuous years of service, the respondents are not regularized their services.

3. The learned counsel for the petitioners would submit that the petitioners are entitled to regularization since they have been in employment continuously for more than a period of 10 years. The learned counsel also pointed out that the petitioners have made a representation on 09.01.2018 to the respondents seeking to regularize their services. However, the respondents have not considered the requests of the petitioners hence the learned counsel would implore this Court to direct the respondents to regularize the services of the petitioners on consideration of the representations made by them.

4. Considering the facts and circumstances of the case, and the submissions made by the learned counsel for the petitioners that the petitioners have been working on consolidated pay for more than 10 years, this Court feels it appropriate to direct the respondents to consider the representations of the petitioners in accordance with law on merits for regularization of the services of the petitioners.

5. This writ petition is disposed of, directing the respondents to consider the representations made by the petitioners in accordance with law and on merits pass appropriate orders, within a period of six weeks from the date of receipt of copy of this order. The respondents are also directed to bear in mind the relevant decisions of both the Hon'ble Supreme Court and this Court on the subject issue. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Department of Elementary Education and Literacy,
Ministry of Human Resources Development,
Government of India, New Delhi - 200 000.
- 2.The Secretary to Government,
State of Tamil Nadu
School Educational Department, Chennai - 9.
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Erode, Erode District.
- 5.The Chief Educational Officer/
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Sarva Shiksha Abhiyan,
Coimbatore, Coimbatore District.
- 6.The Chief Educational Officer/
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Sarva Shiksha Abhiyan,
Vellore, Vellore District.

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nr 05/11/2019