

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26726, 26727, 26728, 26729, 26731, 26732, 26733,
26736, 26739, 26742, 26745 and 26748 of 2019
and

W.M.P.Nos.26112, 26114, 26115, 26116, 26117, 26118, 26119,
26124, 26125, 26129, 26132 and 26135 of 2019

M.SELVAKUMAR ... PETITIONER in WP No.26726 of 2019
K.KRISHNAKUMAR ... PETITIONER in WP No.26727 of 2019
P.SELVAN ... PETITIONER in WP No.26728 of 2019
R.DHINAKAR ... PETITIONER in WP No.26729 of 2019
T.RAVISHANKAR ... PETITIONER in WP No.26731 of 2019
K.VIJAYANAND ... PETITIONER in WP No.26732 of 2019
S.INIYAVAN ... PETITIONER in WP No.26733 of 2019
B.SARAVANAKUMAR ... PETITIONER in WP No.26736 of 2019
A.ANNAMALAI ... PETITIONER in WP No.26739 of 2019
R.SETHU ... PETITIONER in WP No.26742 of 2019
PG SANTHANALAKSHMI ... PETITIONER in WP No.26745 of 2019
P.INDIRAGANDHI ... PETITIONER in WP No.26748 of 2019

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. ...Respondents in all Wps

Prayer in W.P.Nos.26726, 26727, 26728, 26729, 26731, 26732,
26733, 26736, 26739, 26742, 26745 and 26748 of 2019:

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 petitioner with effect from the date of appointment in the post of Civil Engineer engaged to carry on Sarva Shiksha Abhiyan Programme aimed to attain the mandate of Article 21 A of the Constitution of India and in line with Para No.53 of the Uma Devi case in 2006 (4) SCC 1 (CB), Siksha Sarthi Association Vs. State in 2018 (1) LLJ 173 (FB) and in W.A.No.755 of 2013 dated 03.01.2019 passed by this Hon'ble Court, by considering petitioner representation on various dates (25.05.2019, 24.06.2019, 19.06.2019, 04.07.2019, 20.06.2019, 01.07.2019, 18.07.2019, 22.06.2019).

For Petitioner : Mr.N.Manokaran

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

COMMON ORDER

These writ petitions have been filed by the petitioners, seeking for issuance of writ of Mandamus to direct the respondents to regularize the service of the petitioners with effect from date of their appointments, in the post of Civil Engineer engaged to carry on Sarva Shiksha Abhiyan Programme aimed to attain the mandate of Article 21 A of the Constitution of India and in line with Para No.53 of the Uma Devi case in 2006 (4) SCC 1 (CB), Siksha Sarthi Association Vs. State in 2018 (1) LLJ 173 (FB) and in W.A.No.755 of 2013 dated 03.01.2019 passed by this Hon'ble Court, by considering petitioners' representation on various dates (25.05.2019, 24.06.2019, 19.06.2019, 04.07.2019, 20.06.2019, 01.07.2019, 18.07.2019, 22.06.2019). Since the facts and circumstances and also the prayer sought for in the writ petitions are common, all these writ petitions are taken up together for final disposal.

2.The case of the petitioner(s) 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 univariilisation 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 petitioner(s) have been longing for regularization of their services having rendered by them for more than 10 years. The grievance of the petitioner(s) is that despite their long continuous years of service, the respondents are not regularized their services.

3.The learned counsel for the petitioner would submit that the petitioner(s) 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 petitioner(s) have made a representation on various dates (25.05.2019, 24.06.2019, 19.06.2019, 04.07.2019, 20.06.2019, 01.07.2019, 18.07.2019, 22.06.2019) 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 petitioner 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.The writ petitions are 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 petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

WEB 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.

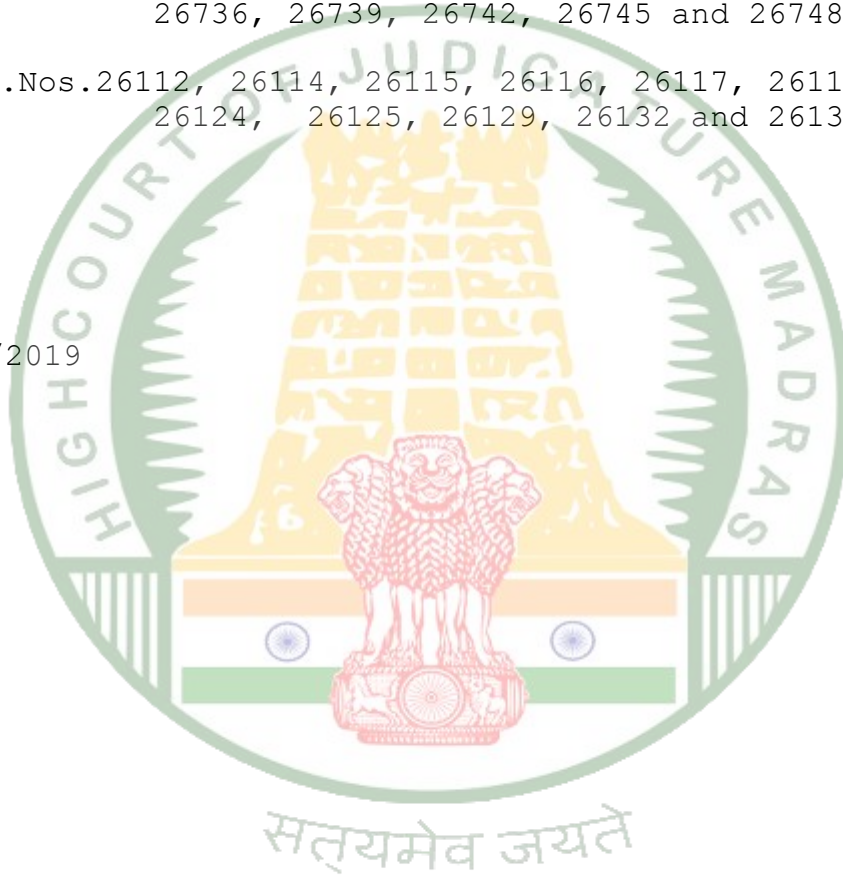
2.The State of Tamil Nadu rep. by
The Secretary to Government,
School Educational Department, Chennai - 9.

3.The State Project Director,
Sarva Shiksha Abhiyan,
District Primary Education Programme,
Chennai - 2.

+1cc to the Government Pleader Sr.78958
+12cc to Mr.N.Manokaran, Advocate Sr.78249 to 78260

W.P.Nos.26726, 26727, 26728, 26729, 26731, 26732, 26733,
26736, 26739, 26742, 26745 and 26748 of 2019
and
W.M.P.Nos.26112, 26114, 26115, 26116, 26117, 26118, 26119,
26124, 26125, 26129, 26132 and 26135 of 2019

jp[col
srg 12/11/2019



WEB COPY