

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31611 of 2019

- 1.K.Sureshkumar
- 2.K.Ramesh Kumar
- 3.M.Saravanan
- 4.C.Saravanan
- 5.S.Adalarasan
- 6.S.Nallaprabhu
- 7.D.Arthi
- 8.M.Malathi
- 9.M.Vasumathi
- 10.K.Elayaraja
- 11.K.Gowri
- 12.N.Dhivya
- 13.S.Gayathri

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009
- 2.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009
- 3.The Director of School Education,
O/o.Director of School Education,
DPI Campus, College Road,
Chennai 600 006
- 4.The State Project Director,
Sarva Siksha Abhiyan (SSA),
DPI Campus, College Road,
Chennai 600 006

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's services with effect from the date of appointment in the cadre of Physical Education Instructors / Drawing Instructor / Computer Instructors / Music Instructors / Sewing

Instructors / Horticulture Instructors, Life Skill and Communication Skill Instructors and Mansory Instructors and by considering the petitioner representation dated 31.07.2019 within the period that may be stipulated by this Court.

For Petitioners : Mr.S.Nambi Arooran

For Respondents : Mrs.P.Kavitha,
Government Advocate

O R D E R

This writ petition has been filed by the petitioners, praying for issuance of a Writ of Mandamus, to direct the respondents to regularize the petitioner's services with effect from the date of appointment in the cadre of Physical Education Instructors /Drawing Instructor /Computer Instructors /Music Instructors /Sewing Instructors / Horticulture Instructors, Life Skill and Communication Skill Instructors and Masonry Instructors and by considering the petitioner representation dated 31.07.2019 within the period that may be stipulated by this Court.

2.According to the petitioners, in order the object of the Right of Children to Free and compulsory Education Act, 2009, the Government of Tamil Nadu Vide G.O.Ms.No.177 School Education (c2) Department dated 11.11.2011, several posts of part time instructors were sanctioned and the petitioner were appointed as against the newly sanctioned posts on temporary basis in the year 2012. From the date of their appointments, the petitioners have been working on temporary basis without any interpretation or break. The grievance of the petitioner is that though they have been working continuously on temporary basis for the years together, their services were neither regularized nor made permanent. Therefore, they made representation on 31.07.2019 to the respondents to regularize their services with effect from their date of appointment. Since no response is evoking, despite their representation, the petitioners are before this Court.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been appointed against the newly sanctioned posts of undergoing regular selection procedure in the year 2012 and all along the petitioner have been working on consolidated pay and despite rendering services for nearly nine years, the respondents have not regularized their service. He would also submit that though the petitioner made representation on 31.07.2019, the respondents have not considered and pass any orders therein. Thereafter, he would implore this Court to direct the respondents to regularize the petitioner's services with effect from the date of appointment by considering the petitioner representation dated 31.07.2019.

4.The learned Government Advocate appearing for the respondents, conceded to the request as submitted by the learned counsel appearing for the petitioners. The learned counsel would submit that if this Court directs the respondents to consider the dispose of the representations made by the petitioners, the same would be complied with and the representations would be disposed of in accordance with law.

5.Admittedly the petitioners have been appointed in the sanctioned post in the year 2012 through proper selection and they have been working on consolidated pay without any interpretation, but their services have not been regularized. It appears that the petitioners made a representation on 31.07.2019 to the respondents seeking for regularization of their services and it appears that the same has been pending without any orders by the respondents.

6.Considering the facts and circumstance of the case and the submissions made by the learned counsel for the petitioners and since the representations made by the petitioners have been pending, this Court directs the first respondent to consider the Writ Petitioners' representations dated 31.07.2019, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat,
Fort St.George,
Chennai 600 009

2.The Additional Chief Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat,
Fort St.George,
Chennai 600 009

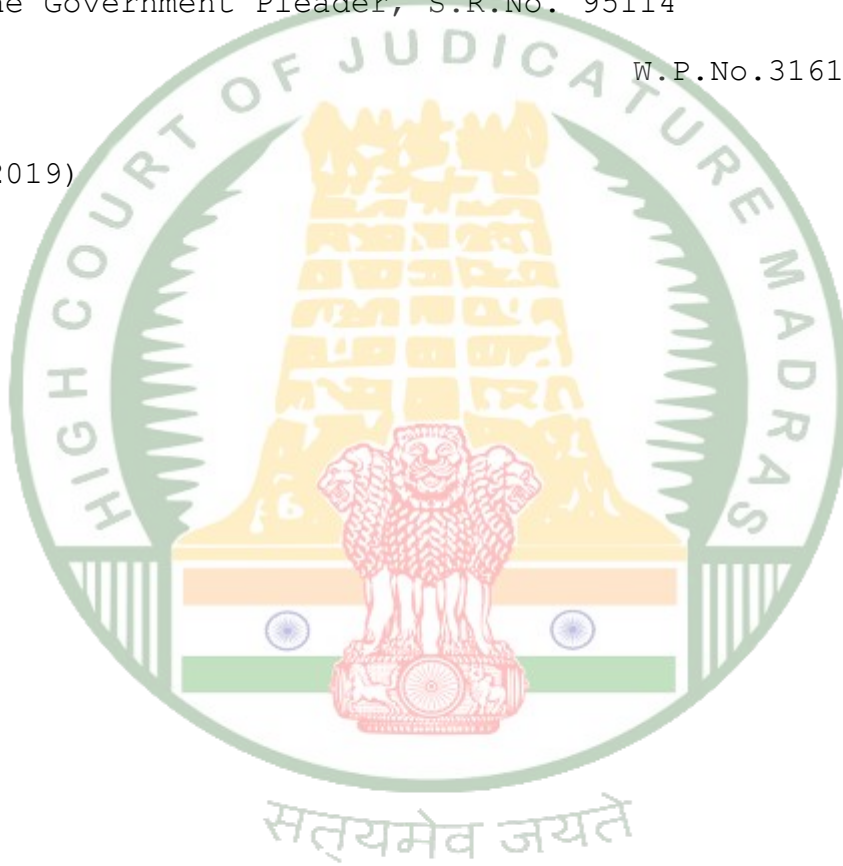
3.The Director of School Education,
O/o.Director of School Education,
DPI Campus, College Road,
Chennai 600 006

4.The State Project Director,
Sarva Siksha Abhiyan (SSA),
DPI Campus, College Road,
Chennai 600 006

+13cc to Mr.Ajmal Associates, Advocate, S.R.No. 94300
+1cc to the Government Pleader, S.R.No. 95114

W.P.No.31611 of 2019

RSV(CO)
GN(13/12/2019)



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