

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31079 of 2019

D.K.Anandhan

.. Petitioner

vs

1.Government of Tamil Nadu

Rep. by Secretary School Education
Chennai 09

2.Director of School Education

College Road, Chennai- 06

3.Joint Director of School Education (Personal)

College Road, Chennai - 06

4.District Educational Officer (Schools)

Dharmapuri

5.The Headmaster

Government Higher Secondary School
Indur, Dharmapuri District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to regularize the petitioner's services as Office Assistant pursuant to the regularization proposal submitted by the 5th respondent in Na.Ka.No.118/2014 dated 10.07.2014.

For Petitioner

: Mr.R.Subramanian

For Respondents

: Mr. C. Munusamy,

Spl GP for Education

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O R D E R

The petitioner filed this Writ Petition seeking to direct the 4th respondent to regularize the petitioner's services as Office Assistant pursuant to the regularization proposal submitted by the 5th respondent in Na.Ka.No.118/2014 dated 10.07.2014.

2. The case of the petitioner is that the petitioner was working as Marker (games) in Avaiyar Government Girls Higher Secondary School, Dharmapuri from 01.06.1984 and he rendered service for 19 years and salaries for the Marker were being paid only from the RIP (Women) CBE & Games Funds. On various representations, the first respondent issued proceedings in Government letter Ms.No. 235 dated 23.11.2006 stating that as per G.O.Ms.No.52 Department of Schools, dated 30.12.1997, 97 Markers working in Government/Municipality/Corporation Schools on 30.12.1997 and 130 Markers working in various Government aided schools totaling 227 were permitted to be brought on pay scale of 750-12-870-15-944. Later pursuant to the direction of this Court, the petitioner was appointed as Office Assistant on temporary basis vide proceedings dated 13.06.2013 of the 4th respondent. After completion of one year service, the fifth respondent submitted proposals for regularization of the petitioner's service vide proceedings in Na.Ka. No.1118/2014 dated 05.04.2019, which was also followed by the remainder on 05.04.2015. The 4th respondent has addressed a letter to the 2nd respondent vide Na.Ka.No. 1735/A1/2015 dated 08.07.2015 stating that since the petitioner had completed 46 years on the date of joining the post of Office Assistant on 17.06.2013, issue of his overage may be relaxed. The 4th respondent has been addressing letters to the 2nd respondent on 21.07.2016, 09.11.2016, 12.01.2017, 07.08.2017 and 13.04.2018, but there has been no response. Hence, the present Writ Petition has been filed.

3.The learned counsel appearing for the petitioner would submit that in fact on earlier occasion, the petitioner moved W.P.No.2985 of 2019 seeking for a Mandamus to extend the benefits of G.O.Ms.No.235 dated 23.11.2006 issued by the first respondent, which was allowed and pursuant to the same petitioner was appointed as Office Assistant on temporary basis and after his completion of one year service, his services have not been regularized. He would also submit that the fifth respondent has sent proposal for regularization of service of the petitioner vide proceedings dated 10.07.2014 and despite the same, the service of the petitioner has not been regularized. Therefore, the learned counsel would implore this Court to issue appropriate direction to the respondents for regularization of service of the petitioner.

4.The learned Special Government Pleader would submit that the petitioner is over aged and for age relaxation though the fourth respondent has addressed the letter to the second respondent, till date no orders were passed in respect of age

relaxation of the petitioner and hence the matter has been pending and if a direction is given by this Court, the same would be complied with the respondents.

5. Considering the above facts and circumstances of the case and the submissions made by the learned counsel for the petitioner as well as the learned Special Government Pleader for the respondents and in view of the fact that the proposal sent by the fifth respondent has been pending for regularization of service of the petitioner till date, the second respondent is directed to pass orders in respect of age relaxation of the petitioner and on such orders being passed, the fourth respondent is directed to consider the proposal submitted by the fifth respondent dated 10.07.2014 in respect of regularization of service of the petitioner and pass appropriate orders in accordance with law within a period of (12) weeks thereafter.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary School Education
Government of Tamil Nadu, Chennai 09
- 2.The Director of School Education
College Road, Chennai- 06
- 3.The Joint Director of School Education (Personal)
College Road, Chennai - 06
- 4.The District Educational Officer (Schools), Dharmapuri.
- 5.The Headmaster
Government Higher Secondary School
Indur, Dharmapuri District

+1 cc to M/s.R.Subramanian, Advocate Sr.No. 91824

+1 cc to The Government Pleader Sr.No. 92496

AKM/03.12.19/3P- 8C /

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