

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.34724 OF 2019

M.Md.Yacoob

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Chennai - 600 005.
4. The District Educational Officer,
Chennai - East,
Chennai 600 005.
5. The Correspondent,
Murthuzaviya Oriental Higher Secondary School,
Chennai 600 005.

..Respondents

Prayer:-

Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to regularise the services of the petitioner from the date of his initial appointment from 14.06.2005 and to fix the seniority in an appropriate place with all monetary and service benefits based on the representation of the petitioner dated 19.10.2019 in the light of the judgement passed in WP No.4991 of 2015 dated 30.07.2019.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.V.Annalakshmi
Government Advocate for
R1 to R4.

O R D E R

This writ petition has been filed for the issue of Mandamus directing the respondents to regularize the service of the petitioner from the date of his initial appointment from 14.06.2005 and to fix his seniority and pay him all the consequential benefits.

2. The case of the petitioner is that he was appointed in the 5th respondent school in a vacancy that arose during the year 2005. The 5th respondent school is an aided school. The petitioner was appointed in the sanctioned post and the 4th respondent also approved the appointment by his proceedings dated 27.12.2006. Similarly placed persons had approached this Court by filing WP No.4991 of 2015 and they have sought for fixation of seniority from the date of their initial appointment and for consequential benefits. This Court by an order dated 30.07.2019, had allowed the writ petition and had directed the 1st respondent to regularize the service of those writ petitioners from the date of their entry into their service for the purpose of seniority and to extend all the monetary benefits. According to the petitioner, he is entitled for similar relief and he had made a representation to the respondents on 19.10.2019 in this regard and the 3rd respondent had informed the petitioner that he will not be entitled for such a relief. Aggrieved by the same, the present writ petition has been filed.

3. Mr.C.Prabakaran, learned counsel for the petitioner submitted that the case of the petitioner and the case of the petitioners, who had filed WP No.4991 of 2015 is similar and the respondents must be directed to consider the case of the petitioner in accordance with the judgment passed by this Court in WP No.4991 of 2015. The learned counsel further submitted that the petitioner has been working in a sanctioned post after an approval was given by the 4th respondent, from the year 2005 and therefore, the learned counsel submitted that the seniority of the petitioner must be fixed from the date of his entry into his service and the petitioner must be paid all the consequential benefits.

4. Per contra, the learned counsel appearing for the respondent 1 to 4 submitted that the case of the petitioner can be considered independently and it has to be seen whether the petitioner is also entitled for the benefit as per the orders passed in WP.No.4991 of 2015.

5. This Court has carefully considered the submissions made on either side and also perused the materials placed on record.

6. The 3rd respondent had merely rejected the representation made by the petitioner on the ground that the benefit of the order will only go to the petitioners concerned in WP No.4991 of 2015. The 3rd respondent did not appreciate the fact as to whether the petitioner is also similarly placed. The petitioner had placed reliance upon the order passed by this Court in WP No.4991 of 2015 only to demonstrate the fact that the same principles of law must be applied to the petitioner also. This was not properly understood by the 3rd respondent while rejecting the representation.

7. In the considered view of this Court, the respondents will have to independently apply their mind to the case of the petitioner and must see if the petitioner is also placed in a similar footing to that of the petitioners in WP No.4991 of 2015 and thereafter, pass orders in accordance with law.

8. In the result, there shall be a direction to the 3rd respondent to reconsider the representation made by the petitioner on 19.10.2019, in line with the orders passed by this Court in WP No.4991 of 2015 and pass appropriate orders strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Chennai - 600 005.

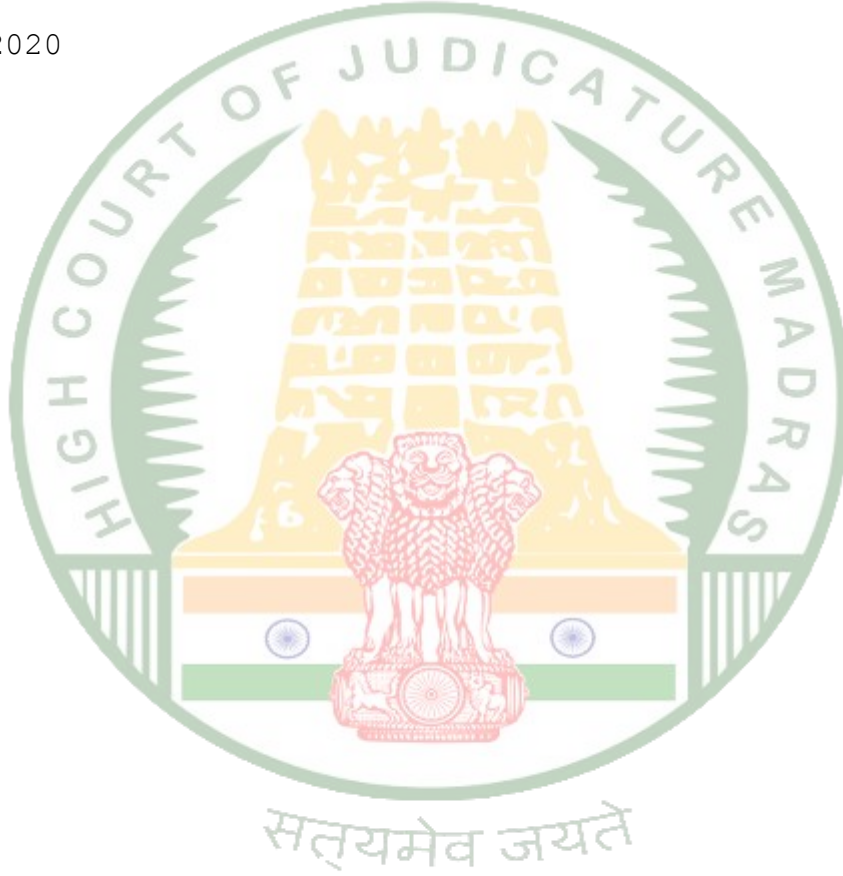
4. The District Educational Officer,
Chennai - East,
Chennai 600 005.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.104562
+1cc to the Government Pleader, S.R.No.105321

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.18567 (03.03.2020)

W.P.No.34724 of 2019

RP (CO)
CS/13/01/2020



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