



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.06.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P(MD)No.13121 of 2019 and
WMP(MD).No.9782 of 2019

R.Murali Sankar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Higher Education,
Fort. St. George,
Secretariat, Chennai - 600 009.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, EVK Sampath Maligai,
College Road, Chennai - 600 006.

3.The Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai - 625 021,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to regularize the service of the petitioner in any one of the non-teaching staff contained in S.No.2 of the Annexure - II of the G.O.Ms.No.36, Higher Education Department, dated 28.02.2019 by considering the petitioner's consolidated service in the post of Non-teaching Staff, at the Madurai Kamarajar University Constituent College taken over by the State Government as the Government Arts and Science College, Aundipatti, Theni District within a stipulated time prescribed by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.Aayiram K.Selvakumar

Additional Government Pleader

**ORDER**

This writ petition is filed seeking to direct the respondents to regularize the service of the petitioner in any one of the non-teaching staff contained in S.No.2 of the Annexure - II of the G.O.Ms.No.36, Higher Education Department, dated 28.02.2019 by considering his consolidated service in the post of Non-teaching Staff, at the Madurai Kamarajar University Constituent College taken over by the State Government as the Government Arts and Science College, Aundipatti, Theni District within a time frame to be fixed by this Court.

2. Mr.Aayiram K. Selvakumar, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. According to the petitioner, he was appointed as a daily wager at Madurai Kamaraj University Constituent College, Aundipatti, in the year 2002, in the post of attender and he is receiving consolidated pay from the year 2006. Subsequently, the State Government decided to take over 41 Constituent Colleges as Government Colleges and as per G.O.Ms.No.36, Higher Education Department, dated 28.02.2019, Madurai Kamaraj University Constituent College, Aundipatti is listed at S.No.2. After taking over the petitioner's college by the Government, the petitioner has made a representation dated 10.04.2019, for regularization of his service in the non-teaching post. Since there is no response from the respondents, the petitioner is before this Court.

4. At the time of hearing, the learned counsel appearing for the petitioner submitted that even though a larger relief is sought for in this Writ Petition, it would suffice, if a direction is issued to the respondents to consider and pass orders on the representation of the petitioner dated 10.04.2019.

5. The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner will be considered on merits and in accordance with law by taking note of the relevant Government Orders.

6. Having regard to the scope of the prayer made by the petitioner and considering the submissions made on either side, this Court, without expressing any opinion on the merits of the petitioner's case, directs the first respondent to consider the representation of the petitioner, dated 10.04.2019 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.



7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

trp

To

Principal Secretary,
Department of Higher Education,
Fort. St. George,
Secretariat, Chennai - 600 009.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, EVK Sampath Maligai,
College Road, Chennai - 600 006.

3.The Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai - 625 021,
Madurai District.

+1 CC to M/s.SPL GP (SR-68276[F] dated 12/06/2019)
+1 CC to M/s.S.LOUIS, Advocate (SR-68040[F] dated 11/06/2019)
+1 CC to M/s.ISAAC CHAMBERS, Advocate(SR-68076[F] dated 12/06/2019)

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ES/05.07.2019/3P/7C