



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 16.08.2019  
CORAM

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.2087 of 2014 and  
M.P. (MD)No.1 of 2014

Anjalai

... Petitioner

-Vs-

1.The State of Tamil Nadu represented  
by the Secretary to Government,  
School Education Department,  
Secretariat, Chennai.

2.The Director of School Education,  
DPI Campus College Road, Chennai - 6.

3.The District Educational Officer,  
Office of the District Educational Officer,  
Karur -7.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to G.O.Ms.No.116, dated 05.08.2011 of the 1<sup>st</sup> respondent and quash the part of the same in respect of the date of regularization (Date of joining) and to direct the first respondent to regularized the service of the petitioner's mother from the date of initial appointment, ie., 05.08.1989 and to pay all the monetary and other attendant benefits with arrears within a stipulated time to the petitioner.

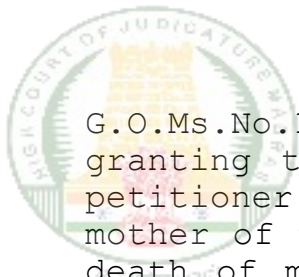
For Petitioner :Mr.R.Lakshmanan

For Respondents :Mrs.S.Srimathy

### ORDER

The Government Order issued in G.O.Ms.No.116, School Education Department, dated 05.08.2011, granting the benefit of regularisation to the mother of the writ petitioner with effect from the date of Government Order, is under challenge in the present writ petition.

2.The writ petitioner states that the mother of the writ petitioner was appointed as part time employee from 05.10.1989 and she also filed W.P.(MD)No.8847 of 2009, seeking appointment on regular basis. However, the Government passed an order in



G.O.Ms.No.116, School Education Department, dated 05.08.2011, granting the benefit of regularisation to the mother of the writ petitioner from the date of the Government Order. Subsequently, the mother of the writ petitioner passed away on 26.11.2013. After the death of mother of the writ petitioner, the present writ petition has been filed by the writ petitioner stating that her mother is entitled for retrospective regularisation from the date of which, she was engaged as part time employee.

3.First of all, the writ petitioner, who is the daughter of the deceased employee, cannot seek any such relief for retrospective regularisation of the services during the life time of the employee. The petitioner's mother had served as a part time employee and thereafter, her services were regularised. She died during the year of 2013. This being the factum, the writ petition itself deserves no merit consideration, as the writ petitioner, who is the daughter of the deceased employee, cannot seek the relief for retrospective regularisation of the services.

4.Even on merits, the mother of the writ petitioner was engaged as part time employee. Thus, granting of regularisation and permanent absorption by the Government in G.O.Ms.No.116, School Education Department, dated 05.08.2011, itself was a concession. A part time employee is not entitled for regularisation or permanent absorption, as the legal principles settled by the Honourable Supreme Court in the case of **Umadevi**. However, the Government relaxed the rules in favour of the part time employees and regularised their services. This being concession already shown to the mother of the writ petitioner, now, after the death of her mother, the writ petitioner cannot claim retrospective regularisation from the date of which, her mother was engaged as part time employee.

5.Thus, the relief sought for in this present writ petition is misconceived and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary to Government,  
The State of Tamil Nadu,  
School Education Department,  
Secretariat, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of School Education,  
DPI Campus College Road,  
Chennai - 6.

3.The District Educational Officer,  
Office of the District Educational Officer,  
Karur -7.

+1 CC to M/s.SPLGP ( SR-82147[F] dated 19/08/2019 )

W.P. (MD) No.2087 of 2014  
16.08.2019

cmr

JM/05.09.2019/3P/5C