



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2598 of 2014

WEB COPY

V.Stanislaus

... Petitioner

vs.

1.The District Educational Officer
District Educational Office
Kuzhithurai
Kanyakumari District

2.The Correspondent
St.Aloysius Girls Higher Secondary School
Velliyaviali
Palapallam (Post)
Kanyakumari District

... Respondents

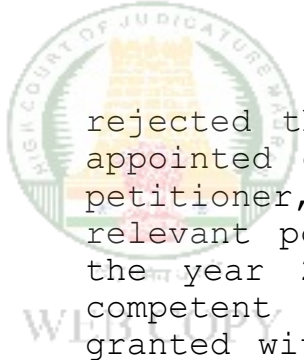
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to regularize the service of petitioner from 01.03.2002 and consequently direct the respondents to disburse the arrears of salary from 01.03.2002 to 06.02.2006 according to the existing pay structure.

For Petitioner	:	Mr.K.P.Narayanakumar
For Respondent No.1	:	Mrs.S.Srimathy Special Government Pleader
For Respondent No.2	:	Mr.A.R.Kannappan

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to regularize the services of the writ petitioner from 01.03.2002 and to disburse the arrears of salary from 01.03.2002 to 06.02.2006, according to the existing pay structure.

2. The learned counsel for the writ petitioner states that against the vacancy arose for the post of Watchman in the second respondent School, the writ petitioner was appointed in the said post with effect from 01.03.2002 by the second respondent. The second respondent / School is a Minority School aided by the Government. Accordingly, a proposal was sent by the second respondent / School to approve the appointment of the writ petitioner. The competent Educational Authorities initially



rejected the approval on the ground that the writ petitioner was appointed during the ban period. However, according to the writ petitioner, no such proposal was sent by the School during the relevant point of time, when the writ petitioner was appointed in the year 2002. The proposal itself was sent belatedly to the competent educational authorities. However, the approval was granted with effect from 07.02.2006 in the post of Watchman. The writ petitioner accepted the order of approval of appointment with effect from 07.02.2006 and attained the age of superannuation and retired from service on 31.10.2013. After retirement, the present writ petition is filed in the year 2014 for a writ of mandamus to direct the respondents to regularize the services of the writ petitioner with effect from 01.03.2002.

3. The basic fact to be considered is that though the writ petitioner was appointed in the year 2002, the writ petitioner accepted the order of approval of appointment, which was granted with effect from 07.02.2006. The writ petitioner attained the age of superannuation on 31.10.2013 and at no point of time, he has challenged the order of approval of appointment granted with effect from 07.02.2006. Therefore, after retirement, the writ petitioner cannot seek a mandamus to direct the respondents to grant approval with retrospective effect from the year 2002.

4. Even recently, the Honourable Supreme Court of India has held that the relief sought by the writ petitioner can be refused on the ground of delay, laches, acquiescence and / or omission to assert right within a reasonable time.

5. This Court is of the considered opinion that any grievance, more specifically by the employees, is to be redressed within the time limit prescribed or in the event of no time limit, within a reasonable period of time. The writ petitions filed belatedly, after a lapse of many years, for the redressal of such grievances, cannot be entertained under Article 226 of the Constitution of India.

6. In the present case, though the writ petitioner was appointed on 01.03.2002, the approval of appointment was granted only with effect from 07.02.2006. During the relevant point of time, the writ petitioner has accepted the approval and served in the Institution till his date of retirement on 31.10.2013. After the settlement of the benefits, he approached the Court in the year 2014 by filing a writ petition seeking a direction to the respondents to regularize the services with effect from 01.03.2002 with all monetary benefits. Such an attitude of the employee can never be appreciated nor be entertained. Any person aggrieved must establish his rights at the first instance by approaching the Court of law, within a reasonable period of time. In the present case, there is an enormous delay in approaching the Court and this apart, the writ petitioner has not even challenged the order of approval of appointment granted with effect from 07.02.2006 onwards. This being



the factum, the the relief as such sought for in the present writ petition cannot be granted and the writ petition is dismissed both on merits and on the ground of laches. No costs.

WEB COPY

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To:

The District Educational Officer,
District Educational Office,
Kuzhithurai, Kanyakumari District.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-76480[F] dated 19/07/2019)

+1 CC to M/s.SPL GP (SR-76038[F] dated 18/07/2019)

W.P. (MD) No.2598 of 2014
17.07.2019

krk

KK/SAR/29.07.2019/3P-4C