



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. (MD) No.1381 of 2019

M.Askar Ali

... Appellant/Writ Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

3.The District Educational Officer,
Karur District, Karur,
Madurai-625 014.

..Respondents 1 to 3/
Respondents 1 to 3

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order dated 12.02.2018 in W.P.(MD)No.14537 of 2012 and allow this writ appeal.

Prayer in WP(MD). 14537 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents herein to regularize the petitioner s service from the date of appointment (i.e 19.06.1992) and consequently direct the respondents herein to pay all monetary and other service benefits to the petitioner forthwith and to pass such further or other orders.

For Appellant : Mr.E.V.N.Siva

For Respondents : Mr.S.Srimathy
Special Government Pleader



JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.E.V.N.Siva, learned counsel appearing for the appellant and Mrs.S.Srimathy, learned Special Government Pleader for the respondents. By consent on either side, this writ appeal is taken up for final disposal at the admission stage itself.

2. This appeal has been filed challenging the order in W.P. (MD) No.14537 of 2012 dated 12.02.2018.

3. The appellant filed the writ petition seeking for regularization of his service from the date on which, his initial appointment as Part Time Worker was made. Admittedly, the petitioner's service was regularized with effect from 2011 pursuant to the order passed by the District Educational Officer on 09.08.2011. The said order has been accepted by the appellant and he has been serving in the Department. Thereafter, in the year 2012, without even challenging the prospective regularization, the petitioner sought for writ of mandamus. In our considered view, the learned single Bench, rightly dismissed the writ petition holding that the part time service cannot be considered for the purpose of computing the length of service.

4. The learned counsel for the appellant contended that the appellant is not seeking any monetary benefits, he seeks only to consider the initial date of appointment for the purpose of counting the length of service.

5. We do not see any error in the order passed by the learned writ Court and we are of the considered view that the relief sought for by the appellant cannot be granted. For such reason, this writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

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



2.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

3.The District Educational Officer,
Karur District, Karur,
Madurai-625 014.

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-102750[F] dated 29/11/2019)

+1 CC to M/s.GP (SR-103019[F] dated 02/12/2019)

ORDER MADE IN
W.A. (MD) No.1381 of 2019
29.11.2019

db (CO)
TR (07.01.2020) 3P 6C