



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2020**

CORAM:

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

W.P. (MD) No.1535 of 2020

and

W.M.P. (MD) No.1241 of 2020

1.P.Chandiresan
2.E.Vincent Azariah
3.A.Meerena
4.K.Kanagalakshmi
5.T.Kannan
6.N.Esther
7.T.Micheal Raja
8.G.Anwar Raja

... Petitioners

/vs./

1.The State of Tamil Nadu,
Rep., by Principal Secretary to Government,
Department of School Education,
Fort St George, Chennai 600 009.

2.The Director of School Education,
O/o., The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The State Project Director,
Samagra Siksha Abhiyan (SSA),
DPI Campus, College Road,
Chennai 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to regularize the petitioners' service in the post of Part time Instructors (Art Education, Health and Physical Education, Work Education) with effect from the date of their initial appointment and provide all other consequential benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Karuppasamy
Government Advocate



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2. Though the petitioners have sought for issuance of writ of mandamus to direct the respondents 1 to 3 to regularize the petitioners' service in the post of Part time Instructors (Art Education, Health and Physical Education, Work Education) with effect from the date of their initial appointment and provide all other consequential benefits, in my view, such a decision is to be taken by the first respondent and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made representation on 21.12.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In the instant case, all the petitioners herein have made a common representation dated 21.12.2019 seeking for regularization. This Court is of the view that consideration of such a request should be made on a case to case basis and such a direction to consider the common representation may not be proper. Nevertheless, the petitioners are granted liberty to make individual representation with a consequence direction to the respondents to consider the representations within stipulated time, the ends of justice could be secured.

6. In the light of the above observations, the petitioners are granted liberty to make individual representation to the first respondent herein ventilating their grievances and on receipt of such representations, the first respondent herein shall consider the same on its own merits and pass appropriate orders within a period three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioners in their representation and it is for the first respondent to consider it in accordance with



law.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort St George, Chennai 600 009.
- 2.The Director of School Education,
O/o., The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
- 3.The State Project Director,
Samagra Siksha Abhiyan (SSA),
DPI Campus, College Road,
Chennai 600 006.

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-3459[F] dated 28/01/2020)

+1 CC to M/s.SPL.GP (SR-3366[F] dated 28/01/2020)

Order made in
W.P. (MD) No.1535 of 2020
Dated: 27.01.2020

JMN(11.02.2020) 3P : 6C