



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.16942 of 2020

WEB COPY

- 1.S.Rengasamy
- 2.M.Ravi Kandasamy
- 3.K.Murugesan
- 4.P.Alaguraja
- 5.L.Kannan
- 6.S.Seetha Lakshmi
- 7.A.Satheeswari
- 8.Mottaian
- 9.Baskaran
- 10.Saravanakumar
- 11.Pandi
- 12.Ayyankalai
- 13.Thangadurai
- 14.S.Balasubramanian
- 15.S.Ravikumar
- 16.B.Murgan
- 17.A.Ganapathy Ammal
- 18.K.Kannn
- 19.S.Perumal
- 20.V.Palani Selvam
- 21.Balammal
- 22.Pandiyammal
- 23.S.Poonkodi
- 24.K.Sekar
- 25.S.Ganesan
- 26.M.Gurusamy

... Petitioners

Vs.

- 1.State represented by its
Chief Secretary,
St.George Fort,
Chennai 600 009.
- 2.State represented by its
Principal Secretary,
Department of Education,
St. George Fort,
Chennai 600 009.
- 3.The Director of School Education,
O/o. The Director of School Education,
Nungambakkam,
Chennai.



4.The Chief Educational Officer,
O/o. Chief Educational Officer,
Karur.

5.The Chief Educational Officer,
O/o. Chief Educational Officer,
Theni District.

6.The Chief Educational Officer,
O/o. Chief Educational Officer,
Madurai District.

7.The Chief Educational Officer,
O/o. Chief Educational Officer,
Virudhunagar District.

8.The Chief Educational Officer,
O/o. Chief Educational Officer,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to regularize the services of the petitioners from the date of their appointment in the light of the judgment of the Hon'ble Division Bench in W.A.No.1258 of 2018, dated 13.09.2019, by taking into account the petitioner's representation, dated 13.10.2019.

For Petitioners : Mr.A.Rajini

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. This writ petition has been filed for a direction to the respondents to regularise the service of the petitioners from the date of their appointment, in the light of the judgment of the Hon'ble Division Bench in W.A.No.1258 of 2018, dated 13.09.2019, by taking into account the petitioners' representation, dated 13.10.2019.

3. According to the petitioners, they were appointed through Parent Teacher Association and there is a sanctioned post in every School for doing basic works like cleaning the campus, other errand jobs and taking care of the day-to-day needs of the students. But these posts were not filled up by the respondents and the respondents have employed the petitioners on *ad-hoc* basis and for daily wages which is paid through Parent Teacher Association Fund and the Service Registers of the petitioners also maintained by the



respective schools. Though the petitioners were working on daily wage basis for more than 15 years, in spite of the sanctioned posts are available in the School and in spite of the assurance given by the respondents that the petitioners' service would be regularised, when the recruitment takes place, the respondents have not taken any steps to regularise the service of the petitioners. Therefore, without any other option, the petitioners have come forward to file this writ petition.

4. Mr.N.Shanmugaselvam, learned Special Government Pleader appearing for the respondents would fairly submit that the petitioners have given the representation through the Parent Teacher Association only and they have not given a representation individually. Therefore, the petitioners may be directed to give individual representation to the respondents and thereafter, the same will be considered on merits and in accordance with law.

5. The learned counsel appearing for the petitioners has also agreed to give individual representation by each petitioners to the respondents.

6. In view of the submissions made by the learned counsel for the petitioners as well as the learned Special Government Pleader appearing for the respondents, this Court directs the petitioners to give individual representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent is directed to dispose of the petitioners' representation, on merits and in accordance with law, in view of the settled position of law by the Hon'ble Division Bench of this Court in W.A.No.1258 of 2018, dated 13.09.2019, within a period of twelve weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Chief Secretary,
Government of Tamil Nadu,
St.George Fort,
Chennai 600 009.

2.The Principal Secretary,
Government of Tamil Nadu,
Department of Education,
St. George Fort,
Chennai 600 009.

3.The Director of School Education,
O/o. The Director of School Education,
Nungambakkam,
Chennai.

4.The Chief Educational Officer,
O/o. Chief Educational Officer,
Karur.

5.The Chief Educational Officer,
O/o. Chief Educational Officer,
Theni District.

6.The Chief Educational Officer,
O/o. Chief Educational Officer,
Madurai District.

7.The Chief Educational Officer,
O/o. Chief Educational Officer,
Virudhunagar District.

8.The Chief Educational Officer,
O/o. Chief Educational Officer,
Tirunelveli District.

+1 CC to M/s.A. RAJINI, Advocate (SR-23042[F] dated 27/11/2020)

+1 CC to M/s.GP (SR-23376[F] dated 30/11/2020)

Writ Petition (MD)No.16942 of 2020
26.11.2020

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TP (CO)

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