



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.12.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.17951 of 2020

C.Kaniraja

...Petitioner

Vs

1. The State of Tamilnadu,
represented by its Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai.

2. The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Compound,
College Road,
Chennai.

3. The Director of School Education,
O/o. the Director of School Education,
DPI Compound,
College Road, Chennai.

4. The State Project Director,
O/o. the State Project Director,
DPI Compound,
College Road, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to regularize the services of the petitioner in the post of Special Educator taking into consideration of length of services of the petitioner with effect from the date on which the petitioner was appointed and by considering the petitioner's representation dated 16.09.2020, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.A.Thiagarajan
Government Advocate



ORDER

This Writ Petition is filed to direct the respondents to regularize the service of the petitioner in the post of Special Educator.

WEB COPY

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

3.The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as Special Education Teacher at Watrap Block, Maharajapuram Watrap Taluk, Virudhunagar District and thereafter, he was promoted to the post of Special Educator on temporary basis and was receiving the salary on consolidate pay for the past 17 years. He would further submit that the petitioner is eligible for regularization, since he has completed his service as Special Educator for more than 10 years.

4.It is the main contention of the learned counsel appearing for the petitioner that though the petitioner has made a representation dated 16.09.2020 to the respondents for regularization of his service, so far no action has been taken. Hence, the present writ petition.

5.Mr.A.Thiagarajan, learned Government Advocate appearing for the respondents would fairly submit that the petitioner's representation dated 16.09.2020 would be considered on merits and in accordance with law, within a period of eight weeks.

6.Admittedly, the petitioner was initially appointed as Special Education Teacher at Watrap Block, Maharajapuram Watrap Taluk, Virudhunagar District and thereafter, he was promoted to the post of Special Educator, which comes under the control of the School Education Department, Government of Tamilnadu and was working in the same cadre over a period of 17 years on consolidate pay. Thus, I do not find any legal impediment for the respondents to consider the request of the petitioner with regard to the regularization of his services.

7.In the light of the above, this Court is inclined to pass the following direction:-

the respondents are directed to consider the petitioner's representation dated 16.09.2020 and dispose of the same, by taking into consideration of the service rendered by the petitioner as Special Educator, within a period of eight weeks from the date of receipt of a copy of this order;



8. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

mm

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 Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai.
2. The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Compound, College Road, Chennai.
3. The Director of School Education,
O/o. the Director of School Education,
DPI Compound,
College Road, Chennai.
4. The State Project Director,
O/o. the State Project Director,
DPI Compound,
College Road, Chennai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-24464.
+1 CC to the SPL GP (SR-24848[F] dated 10/12/2020)

W.P. (MD) No.17951 of 2020
08.12.2020

TP(CO)
CS(18.12.2020) 3P 7C