



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.23619 & 23621 of 2021

(Through Video Conferencing)

K.Manivannan ...Petitioner in W.P.No.23619 of 2021

B.Karthikeyan ...Petitioner in W.P.No.23621 of 2021

Vs

1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Education Department,
Fort St. George, Chennai 600009.

2.The Director of School Education,
College Road,
Chennai 09.

3.The Chief Educational Officer,
Dharmapuri District.

4.The District Educational Officer,
Dharmapuri District.

...Respondents in both W.Ps.

Common Prayer : Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2021 to regularize the petitioner's service from the date of his initial appointment on 10.12.1991, 09.10.1991 respectively and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears.

In both W.Ps.

For Petitioner : Ms.Dakshayani Reddy for
Mr.S.Esairani Narasimman

For Respondents: Mr.L.S.M.Hasan Fizal for R1 to R4
Government Advocate



COMMON ORDER

It is the case of the petitioner that the petitioner joined as a sweeper with the 4th respondent on 10.12.1991 and the services of the petitioner were regularized with effect from 12.10.2000 in terms of G.O.Ms.No.179 School Education R1 Department, dated 13.07.2012. It is the further case of the petitioner that under similar circumstances, the Court had considered the plight of similarly placed persons had passed an order in W.P.No.4859 of 2019 which came to be disposed by the learned Single Judge of this Court by an order dated 24.02.2012.

2.It is submitted that after the said Writ Petition was allowed, the department had filed an appeal before the Hon'ble Division Bench of this Court in W.A.No.1520 of 2010. It is submitted that the Hon'ble Division Bench of this Court by its order dated 25.10.2010 in W.A.No.1520 of 2010 held that G.O.Ms.No.22 dated 28.02.2016 does not contain a clause that the regularization should be from the date of completion of 10 years and therefore observed that the learned Single Judge was fully justified in directing the regularization with effect from 01.11.1990.

3.The learned counsel for the petitioner submits that the said order was also implemented by the respondents by their G.O.Ms.No.123 dated 17.08.2011. The learned counsel for the petitioner submits that the petitioner is also entitled for similar relief based on the representation dated 25.09.2021.

4.Appearing on behalf of the respondents, the learned counsel for the respondents submits that the appointment of the respective petitioners were irregular and therefore considering the plight of these petitioners and others in G.O.Ms.No.179 dated 13.07.2011 was issued. It is therefore submitted after a lapse of almost 10 years, the petitioners have given a representation asking the respondents to regularize their service with effect from the date of initial appointment and therefore the writ petition is liable to be dismissed on account of laches.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the Government Orders and the orders passed by this Court on an earlier occasion. It is noticed that the petitioner's representation dated 25.09.2021 has not received any attention so far.



6.Considering the same, these writ petitions are disposed by directing the respondents to pass appropriate orders in accordance with law and on merits after duly considering Government order in G.O.Ms.No.123 dated 17.08.2011 pursuant to an order dated 25.10.2020 in W.A.No.1520 of 2020. This exercise shall be carried out by the 1st and 2nd respondents within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Education Department,
Fort St. George, Chennai 600009.
- 2.The Director of School Education,
College Road,
Chennai 09.
- 3.The Chief Educational Officer,
Dharmapuri District.
- 4.The District Educational Officer,
Dharmapuri District.

+2 Ccs to Mr.S.Esairani Narasimman, Advocate sr 56468
+1 CC to The Government Pleader sr 57672.

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SP(29/11/2021)