



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.836 of 2019

WEB COPY

I.Thesinguraja

... Petitioner

vs.

1. The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St.Fort George, Chennai-9.

2. The Director of School Education,
College Road,
Chennai-6.

3. The District Educational Officer,
Thoothukudi District.

4. The Correspondent,
Bishop Azariah Memorial Higher Secondary School,
Vellalanvilai, Thoothukudi District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the monetary and service benefits for the period from 06.08.2002 to 31.05.2007 as Watchman and thereafter from 01.06.2007 to 03.01.2008 as Office Assistant in the fourth respondent School by considering his representation, dated 18.12.2017.

For Petitioner	: Mr.T.A.Ebenezer
For RR 1 to 3	: Mr.K.S.Selvaganesan
	Government Advocate
For R - 4	: Mr.Kingsly Solomon

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to pay the monetary and service benefits for the period from 06.08.2002 to 31.05.2007 as Watchman and thereafter from 01.06.2007 to 03.01.2008 as Office Assistant in the fourth respondent School by considering his representation, dated 18.12.2017.

2.According to the petitioner, he was appointed as Watchman on 05.08.2002 in the fourth respondent School in a sanctioned post in a

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vacancy that arose due to the transfer of the previous incumbent, namely A.Gabriel. The petitioner's request for approval of his appointment was rejected by the third respondent, by order, dated 18.03.2003. Subsequently, on 01.06.2007, the petitioner was appointed as Office Assistant in the sanctioned post in the same School. By the proceedings, dated 04.01.2008, the second respondent permitted the fourth respondent School to fill up one post of Office Assistant. Based on the said proceedings, the third respondent, by order, dated 11.01.2008, approved the appointment of the petitioner as Office Assistant with effect from 04.01.2008. Subsequently, the petitioner was promoted as Lab Assistant and transferred under the corporate Management in some other School. While so, the petitioner gave a representation, dated 18.12.2017 to the third respondent for regularization of his service with effect from 06.08.2002 to 31.05.2007 as Watchman and thereafter from 01.06.2007 to 03.01.2008 as Office Assistant. The representation of the petitioner has not been considered so far. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent and perused the entire materials available on record.

4. From the perusal of the materials available on record, it is seen that the approval for the petitioner's appointment as Watchman was rejected by the third respondent on 18.03.2003. The petitioner has not challenged the said order. Subsequently, when the petitioner's appointment as Office Assistant was approved only from 04.01.2008, the petitioner accepted the same and continued in the said post. The petitioner has not taken any steps for approval as Watchman from 06.08.2002 and for approval as Office Assistant from 01.06.2007. Only in the year 2017, the petitioner gave a request for payment of Government salary from the date of his appointment ie., from 06.08.2002 to 31.05.2007 as Watchman and thereafter from 01.06.2007 to 03.01.2008 as Office Assistant. The said claim of the petitioner is stale. The petitioner, without challenging the order of rejection of approval and accepting the regularization of the second respondent from 04.01.2008, now, is not entitled to the relief sought for in the present Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar (CS)

ps



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 Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St.Fort George, Chennai-9.
2. The Director of School Education,
College Road,
Chennai-6.
3. The District Educational Officer,
Thoothukudi District.

+1 CC to M/s. SPL GP (SR-23725[F] dated 23/07/2021)

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RC (04.08.2021) 3P-5C