



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A. (MD) .No.1591 of 2018

and

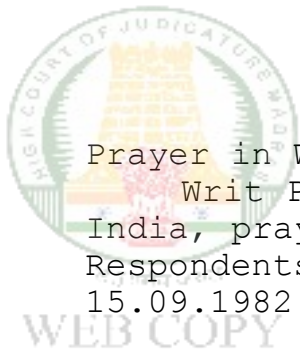
CMP (MD) .No.11393 of 2018

1. The State of Tamil Nadu,
Rep. By its Secretary, (Education)
Secretariat,
St.George Fort,
Chennai - 600 009.
2. The Directorate of School Education,
Represented by its Director,
Chennai - 600006.
3. The Joint Director of School Education,
O/o. Directorate of School Education,
Chennai - 600 006.
4. The Chief Educational Officer,
Kanyakumari District,
District Educational Officer,
Nagercoil - 62900,
Kanyakumar District.
5. The District Educational Officer,
Thuckalay Educational District,
Thuckalay - 629175,
Kanyakumar District.
6. The Headmaster,
Government Higher Secondary School,
Thuckalay - 629175. ...Appellants

Vs.

T.Leelavathi Amma ...Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to allow this Writ Appeal by setting aside the order passed in W.P. (MD).No.12912 of 2011 dated 23.01.2014 on the file of this Court.



Prayer in WP(MD). 12912 of 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to regularise the petitioner's service with effect from 15.09.1982 with all benefits.

For Appellants : Mr.R.Baskaran
Standing Counsel for Govt.

For Respondent : Mr.V.M.Balamohan Thambi.

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal is directed against the order dated 23.01.2014 made in W.P.(MD)No.12912 of 2011.

2.The respondent filed a writ petition praying for issuance of writ of Mandamus to regularize her service by taking note of date of her appointment on part time basis i.e., 15.09.1982.

3. The respondent placed reliance on the Government Order in G.O.Ms.No.22, Personal and Administrative Reforms (F) Department, dated 28.02.2006 and sought for regularization on completion of 10 years of service as on 01.01.2006. The Writ Petition was disposed of by directing the appellants to regularize the respondents in time scale of pay from the date of completion of 10 years of service as per G.O.Ms.No.22, Personal and Administrative Reforms (F) Department. The correctness of the said order is called in question by the Government in this appeal.

4. After elaborately heard the learned counsel for the parties, we are of the view that the learned Single Bench has committed an error in directing the regularization of the service of the respondent by reckoning the date of her appointment in 1982. When, admittedly the respondent was appointed only on Part Time basis and therefore, the benefit of the Government Order in G.O.Ms.No.22, cannot be extended to the appellant. When the Writ Appeal was entertained, a submission was made on behalf of the appellants that they will consider the case of the respondent for regularization from the date of her full time appointment i.e. 23.11.2001.

5. In our considered view, this itself is a great concession extended to the respondent, who graciously accepted. Therefore, the Writ Appeal is allowed in part and the Order passed in the Writ Petition is set aside and the appellants are directed to consider the case of the respondent for regularization by reckoning the date of her appointment as 23.11.2001 applying the relevant Government order and pass reasoned order on merits and in accordance with law,



within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar(CS)

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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, (Education)
State of Tamil Nadu,
Secretariat, St.George Fort, Chennai - 600 009.
2. The Directorate of School Education,
Represented by its Director, Chennai - 600006.
3. The Joint Director of School Education,
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5. The District Educational Officer,
Thuckalay Educational District,
Thuckalay - 629175, Kanyakumar District.
6. The Headmaster,
Government Higher Secondary School,
Thuckalay - 629175.

Order made in

W.A. (MD) .No.1591 of 2018

Dated: **29.06.2021**

ns (CO)

TR(08.07.2021) 3P 7C