



WEB COPY



WP.No.15462 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.09.2022

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

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- 1.K.Rajendran
- 2.K.Pachiyappan
- 3.M.Kolanji
- 4.R. Valli
- 5.G.Andal
- 6.S.Veeramani
- 7.R.Ramani
- 8.N.Mahalingam

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
(Higher Secondary)
College Road,
Chennai-6.
- 3.The Chief Educational Officer,
Cuddalore,
Cuddalore District.



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4.The District Educational Officer,
Cuddalore,
Cuddalore District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representations dated 10.05.2012 and 05.06.2012 to regularise the services of the Petitioners in the light of the G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 and Order passed by the Honourable Division Bench of this Court in W.A.No.1520 of 2010 (The Director of School Education and others versus P.Subramani) dated 25.10.2010 and to give consequential benefits arising out of such regularisation.

For Petitioners : M/s.D.Muthukumar

For Respondents : Mr.C.Sathish
Government Advocate

ORDER

Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to consider the representations dated 10.05.2012 and 05.06.2012 to regularise the services of the Petitioners in the light of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 and

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the Order passed by the Honourable Division Bench of this Court in W.A.No.1520 of 2010 dated 25.10.2010 and to give consequential benefits arising out of such regularisation.

2. According to the petitioners, all of them were engaged as either full time or part time Office Assistants, Sweeper and Night Watchman in the Government Schools referred to in their petitions. According to the petitioners, they have put in more than 10 years of service and therefore, they are entitled to regularisation by virtue of G.O.Ms.No.22, dated 28.02.2006 and also the order passed by the Division Bench of this Court in a similar case in W.A.No.1520 of 2010.

3. The learned counsel for the petitioners fairly submitted that all the petitioners were paid salary through the Parents Teachers Association of the respective schools which have engaged them.

4. The learned Government Advocate appearing for the respondents submits that the issue of regularisation of part-time Sweepers is covered by



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the judgment of the Hon'ble Supreme Court in *Secretary to Government, School Education Department, Chennai Vs. R.Govindaswamy & Ors.* in Civil Appeal No.2726-2729 of 2014 dated 21.02.2014. According to the learned counsel the Hon'ble Supreme Court in the said judgment relied on the earlier judgment in the *State of Rajasthan & Ors. Vs. Daya Lal & Ors.*, reported in *AIR 2011 SC 1193* and held that part-time employees were not entitled for regularisation. As far as full time employees are concerned, the learned Government Advocate submits that their appointments were irregular and therefore they are also not entitled for regularisation as held by the Hon'ble Supreme Court in *Daya Lals* case.

5. I have heard both the learned counsels and perused the records.

6. From the averments made in the Writ Petition, it is clear that the petitioners were not engaged by the respondent Government, but were engaged only by the respective Schools, therefore the petitioners cannot claim regularisation of their services by the Government. The learned counsel for the petitioners also fairly submitted that petitioners were paid salary through



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the Parents Teachers Association of the school which engaged them and not the Government.

7. Even otherwise the issue of regularisation is well settled in that long periods of engagement will not give a right to regularisation. In the said context the above cited judgments of the Hon'ble Supreme Court squarely apply to this case. Hence, I find no merit in the writ petition and the same is dismissed. There shall be no order as to costs.

27.09.2022

Speaking Order: Yes/no
dsn



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To

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N.MALA, J

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