



W.P.No.17097 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17097 of 2016

A.Arumugam

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Compound,
College Road,
Chennai – 600 006.
- 3.The Assistant Elementary Educational Officer,
Gangavalli,
Salem District – 636 105.
- 4.The Accounts Officer,
Office of the Principal Accountant General,
(Accounts and Entitlement), Tamil Nadu,
361, Anna Salai,
Chennai- 600 018.

..Respondents



W.P.No.17097 of 2016

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the 4th respondent in No.Pen.17/4/11715586/Rn/15-16/NAR Dt.05.02.2016, and quash the same and consequently direct the 4th respondent to accept the proposal submitted by the 3rd respondent, as the fixation was based on the orders issued in G.O.Ms.No.234, School Education, dated 10.09.2005 and the orders of the Hon'ble Division Bench dt.29.07.2011 in W.P.No.19106/10 and to sanction all the benefits.

For Petitioner : Mr.G.Amalraj

For Respondents : Mrs.S.Mythraye Chandru
Special Government Pleader
for R1 to R3

Mrs.Hema Murali Krishnan for R4

ORDER

The issues raised in this writ petition regarding the Government Order passed in G.O.Ms.No.234, School Education (G2) Department dated 10.09.2009, is no more *res integra*. The Division Bench of this Court passed an order on 25.06.2018 in W.A.Nos.429 to 438 of 2018 as under:



WEB COPY

"4. We have also heard the learned Government Advocate appearing for the respondents and perused the order the learned Single Judge in the light of the judgment of the Supreme Court in *State of UP v. Arvind Kumar Srivastava* ((2015) 1 SCC 347), wherein it has been held as under:-

"Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fencesitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim."

5. In the instant case, some people, who felt aggrieved by the G.O., have filed the Original Application in the year 1993 before the Tamil Nadu Administrative Tribunal and the same was allowed. Thereafter, it appears that these petitioners approached this court after lapse of 25 years and hence, the ratio laid down by this court for extending similar benefits to the similarly placed persons is hit by laches and the view taken by the Division Bench in W.A.No.312 to



W.P.No.17097 of 2016

318 of 2011. The order passed by the learned Single Judge does not warrant any modification as it does not suffer from any illegality or infirmity. In that view of the matter, all the above writ appeals are dismissed. No costs. The connected miscellaneous petitions are closed."

2. The judgment of the Division Bench was taken by way of an appeal before the Hon'ble Supreme Court of India in SLP (Civil) Diary No.5529 of 2019, which was dismissed. Consequently, the present writ petition also stands dismissed. However, there shall be no order as to costs.

20.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.



W.P.No.17097 of 2016

2.The Director of Elementary Education,
DPI Compound,
College Road,
Chennai – 600 006.

3.The Assistant Elementary Educational Officer,
Gangavalli,
Salem District – 636 105.

4.The Accounts Officer,
Office of the Principal Accountant General,
(Accounts and Entitlement), Tamil Nadu,
361, Anna Salai,
Chennai- 600 018.



WEB COPY



W.P.No.17097 of 2016

S.M.SUBRAMANIAM, J.

SSR

W.P.No.17097 of 2016

20.10.2022