



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.11132 OF 2022

B.Santhanam

... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director of School Education (Personnel)
Directorate of School Education,
DPI Campus, College Road, Chennai 600 006.
4. The Chief Educational Officer,
Tiruvallore District, Tiruvallore.
5. The District Educational Officer,
Ponneri Education District,
Ponneri, Tiruvallore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to pass orders for granting approval of regularization of petitioner in the post of Junior Assistant with effect from 06.02.1995 as regularized by the Proceedings of 5th respondent in Na.Ka.No.5561/A1/2009 dated 18.07.2016 by considering the proposal forwarded by the 2nd respondent to the 1st respondent in Na.Ka.No.54284/J4/2016 dated 28.01.2020 with payment of salary benefits with annual increment and other benefits along with interest at the rate of 12% per annum for the delay in payment, within a time frame to be fixed by this Court.



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For Petitioner : Mr.G.Sankaran
For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to pass orders for granting approval of regularization of petitioner in the post of Junior Assistant with effect from 06.02.1995 as regularized by the proceedings of the 5th respondent in Na.Ka.No.5561/A1/2009 dated 18.07.2016 by considering the proposal forwarded by the 2nd respondent to the 1st respondent in Na.Ka.No.54284/J4/2016 dated 28.01.2020 with payment of salary benefits with annual increment and other benefits along with interest at the rate of 12% per annum for the delay in payment, within a time frame to be fixed by this Court.

2. According to the petitioner, the petitioner was appointed as Night Watchman on 10.01.1983 on compassionate ground and his service has been regularised. Subsequently, he was promoted to the post of Junior Assistant with effect from 06.02.1995 by the District Educational Officer, Saidapet, dated 31.01.1995. Thereafter, his service has not been regularised in the post of Junior Assistant from the date of promotion on 06.02.1995.

3. According to the petitioner, the proposal has been submitted by the District Educational Officer, Ponneri to the 2nd respondent for getting approval from the Government and the same is still pending, no order has been passed. Thereafter, the 3rd respondent called for further particulars from the petitioner and the same was represented to the 2nd respondent. However, the said proposal is still pending. Subsequently, the Director of School Education, Chennai, has submitted a proposal to the 1st respondent on 28.01.2020 and the said proposal is also still pending with the 1st respondent. Therefore, the petitioner has made a representation dated 01.02.2022 to the 1st respondent requesting for approval of his regularization in the post of Junior Assistant. Since no order has been passed, he has filed the instant writ petition before this Court.

4. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the said proposal is still pending with the 1st respondent. He would further submit that the said proposal would be considered by the 1st respondent on its own merits and in accordance with law.



5. Considering the limited scope of prayer and without expressing any opinion on merits, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 01.02.2022 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director of School Education (Personnel)
Directorate of School Education,
DPI Campus, College Road, Chennai 600 006.
4. The Chief Educational Officer,
Tiruvallore District, Tiruvallore.
5. The District Educational Officer,
Ponneri Education District,
Ponneri, Tiruvallore District.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.32325
+1cc to the Government Pleader, S.R.No.33051

W.P.No.11132 of 2022

SSD(CO)
RLP(20/06/2022)