

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.12276 of 2022

P.Mamallan

...Petitioner

vs.

1. The State of Tamil Nadu rep. by its
Secretary to Government,
Tourisum, Culture and Religious Endowments Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Art and Culture,
Tamil Valarchi Valagam,
Egmore,
Chennai - 8.
3. The Principal,
Government College of Architecture and Sculpture,
Mamallapuram,
Chengalpattu 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 2nd respondent to consider and pass orders on the proposal of the 3rd respondent dated 08.11.2019 and his reminder Letter dated 14.10.2020 and 14.07.2021 in regard to declaration of petitioner's probation in the post of Assistant Instructor.

For Petitioner : Mr.A.R.Suresh
for Ms.R.Praveena

For Respondents: Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the proposal of the 3rd respondent dated 08.11.2019 and his reminder letters dated 14.10.2020 and 14.07.2021 in regard to declaration of petitioner's probation in the post of

Assistant Instructor.

2. According to the petitioner, the petitioner was appointed as Assistant Instructor in Government College of Architecture and Sculpture, Mamallapuram and he joined duty on 26.06.2008. The petitioner has completed two years of probation period as directed by the respondents, but they are not declared his probation on completion of two years period of service. Therefore, he made a representation dated 29.08.2011 to the Commissioner of Art and Culture, Chennai/the 2nd respondent, requesting to regularise his service in the post of Assistant Instructor from 26.06.2008. The said representation has not been considered. Thereafter, the petitioner has filed W.P.No.20724 of 2017 before this Court seeking a direction to the respondents to regularise his service in the said post. By an order dated 28.11.2018, this Court directed the 1st respondent therein to consider the claim of the petitioner for regularisation of service in the post of Assistant Instructor from the date of his appointment and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order.

3. Pursuant to the said order, the 2nd respondent has issued the Proceedings No.0323/B3/2007, dated 16.07.2019 and regularised his service in the said post from the date of initial appointment with effect from 26.06.2008. However, the 3rd respondent has not declared his probation from the date of completion of two years. Therefore, he made representations dated 28.09.2019, 26.12.2020 and 09.07.2021 to the 3rd respondent herein requesting to declare his probation as per the rules and the same is still pending before the 3rd respondent. Hence, he has filed the instant writ petition before this Court.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's representation has been considered by the 2nd respondent and the said proposal has been forwarded to the 1st respondent for recommending to declare the petitioner's probation. The said proposal is still pending with the 1st respondent.

5. In view of the above submissions made by the parties, 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 09.07.2021 and pass appropriate orders by taking note of the proposal submitted by the 2nd respondent, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the copy of the representation dated 09.07.2021 along with this order before the 1st respondent.

6.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Secretary to Government,
State of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Art and Culture,
Tamil Valarchi Valagam,
Egmore,
Chennai - 8.
3. The Principal,
Government College of Architecture and Sculpture,
Mamallapuram,
Chengalpattu District.

+1cc to Mr.K.Sanjay, Advocate, S.R.No.37385

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GJ(CO)
RGA(13/07/2022)