



WEB COPY

W.P.No. 40952 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 40952 of 2016

Arul Benedict

... Petitioner

Vs.

1. The Principal Secretary,
School Education Department,
Government of Tamilnadu,
Secretariat,
Chennai – 600009.
2. The District Educational Officer,
Salem District,
Salem.
3. The Correspondent,
St Paul's Higher Secondary School,
Salem – 7.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the order in Na.Ka.No. 1662/A2/2016 dated 20.9.2016 issued by the second respondent, quash the same and direct the third respondent to consider the representation letter dated 12.01.2016.



For Petitioner : No appearance
For Respondent : Mrs. S. Mythreye Chandru
Special Government Pleader
for R1 and R2

ORDER

When the writ petition was taken up for final hearing on 31.10.2022, none appeared for the petitioner. Thus, the matter was directed to be listed under the caption 'for dismissal' on 02.11.2022 and when the matter is taken up again for final hearing on 04.11.2022, there was no representation on behalf of the writ petitioner and therefore, this Court heard the learned Special Government Pleader and passed the following orders.

2. The order of rejection dated 20.09.2016, rejecting the claim of the writ petitioner for grant of retrospective regularisation from his initial date of appointment from the year 1979, is under challenge in the present writ petition.

3. The petitioner filed the present writ petition after his retirement. The petitioner was appointed as temporary BT Assistant on 29.08.1979 in the



third respondent aided school. He was promoted to the post of PG Assistant on 04.01.1982. He was awarded selection grade with effect from 04.01.1992 and Special Grade with effect from 01.01.2002. The petitioner was allowed to retire from service on 31.12.2012. After retirement, the petitioner has initiated steps seeking retrospective regularisation for the purpose of getting service and monetary benefits. The claim of the writ petitioner for retrospective regulation was rejected on the ground that the petitioner did not possess the requisite qualification for appointment to the post of PG Assistant in the year 1979. Only after acquiring the requisite qualification, the petitioner's services were regularised in the year 1982 and there is no infirmity as such.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 and 2, made a submission that the petitioner was not qualified at the time of the initial appointment in the third respondent school. Thus, the benefit of retrospective regularisation cannot be granted.

5. The petitioner was appointed temporarily in the year 1979, his services were regularised from the year 1982 onwards. He was allowed to retire in the year 2012 and all his pensionary benefits were settled. Now,



after a lapse of several years, the petitioner is claiming retrospective regulation from the date of his initial appointment. It is brought to the notice of this court, that the petitioner did not possess the requisite qualification at the time of appointment and on acquiring the requisite qualification, his services were regularised. That being the factum, at this length of time, the claim set out by the petitioner is not entertainable and that apart, the reason stated in the order, is in consonance with the rules in force. Thus, the petitioner is not entitled for the relief, as such sought for in the present writ petition. Consequently, the writ petition stands dismissed. No costs.

04.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Principal Secretary,



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School Education Department,
Government of Tamilnadu,
Secretariat,
Chennai – 600009.

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S.M.SUBRAMANIAM, J.



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