



WEB COPY



W.P.No.24097 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24097 of 2014

V.V.Sarojini Devi

...Petitioner

..Vs..

1. Director of School Education,
DPI Complex, Chennai – 6.

2. Chief Educational Officer,
Kancheepuram.

3. The Headmaster,
B.M.S. Govt. Girls Higher Secondary School,
Little Kancheepuram – 631 503.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order bearing Number O.M.No.4265/A3/2013 dated 11.12.2013 by the second respondent herein and quash the same and to direct the authority to regularize the petitioner's service with effect from 09.07.1970 and to pay the monetary benefits to the petitioner.

For Petitioner : Mr.N.Jayabalan

For Respondent : Mr.S.Prabhakaran
Government Advocate



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ORDER

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The relief of retrospective regularization sought for by the writ petitioner from the initial date of appointment was rejected. The said order is under challenge in the present writ petition.

2. The petitioner states that she possess B.A. and B.Ed degree and she was appointed in Lady Willingdon High School, Chennai to teach History and English to Telugu medium students. She was appointed on 09.07.1970 and joined duty on 15.07.1970. The petitioner was engaged on temporary basis and she will be ousted from service during the end of academic and will be permitted to join on the reopening of the school. Subsequently, the petitioner was appointed in the sanctioned post in the time scale of pay in the year 1977. The benefit of regularization and permanent absorption was granted to the writ petitioner from the year 1977 onwards and she was allowed to continue in service. She has reached the age of superannuation and now she is a pensioner. While so, now, after a lapse of several years, the petitioner has filed the present writ petition seeking retrospective regularization from the date of initial appointment on 15.07.1970.



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3. The learned counsel for the petitioner mainly contended that though the petitioner was engaged temporarily, she was continuously working in the said post and therefore the regularization must be accorded with retrospective effect. The learned Government Advocate objected the said contention by stating that there was an enormous delay in claiming the relief. Further the authorities have rejected on the ground that the petitioner was not appointed in accordance with the recruitment rules in force and her appointment is not regular and thus retrospective effect at this length of time cannot be granted.

4. The facts on record shows that the writ petitioner was appointed on temporary basis on 15.07.1970. However, she was regularly absorbed in the year 1977 and worked continuously and retired from service. The writ petitioner filed the present writ petition at the age of 74 years and more so after a lapse of 18 years from the date of retirement. The relief sought for is to regularize the services on the retrospective effect from 1970.

5. The Writ petitioner have slept over her right during the relevant point of time till the benefit of regularization was granted and now at the age of 74 years, she filed this writ petition claiming retrospective regularization and in view of efflux of time and even on



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merits, the petitioner is not entitled for the relief as such sought for.

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6. Accordingly, the writ petition stands dismissed on the ground of merits and latches. No costs.

01.07.2022

mrn

Index: Yes/No
Internet: Yes/No
Speaking Order

To

- 1.The Director of School Education,
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S.M.SUBRAMANIAM., J

mrm

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