



W.P.No.24746 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.24746 of 2022

J.Edward

.... Petitioner

-Vs-

1.The Secretary to Government
Higher Education Department
Secretariat, Chennai 600 009.

2.The Director of Collegiate Education
Directorate of Collegiate Education
EVK Sampath Building, 9th Floor
College Road, Chennai 600 006.

3.The Principal
Muthurangam Government Arts College
(Autonomous), Vellore 632 002.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider and dispose of the representation submitted by the petitioner dated 09.12.2021 for absorbing the petitioner as full time sweeper in regular time scale of pay in the existing vacancies within a reasonable time.

For Petitioner : Mr.R.Rengaramanujam

For Respondents : Mr.C.Kathiravan,
Special Government Pleader



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to consider and dispose of the representation submitted by the petitioner dated 09.12.2021 for absorbing the petitioner as full time sweeper in regular time scale of pay in the existing vacancies within a reasonable time.

2. The petitioner has been working as a Sweeper at the third respondent College from 23.11.2001. According to the petitioner he has completed 21 years of services as Sweeper at the third respondent College and in the said College there are 4500 students studying and more than 130 teaching and non-teaching staff are working. The college is situated in a sprawling campus to the extent of 10 acres. Therefore in order to maintain the said campus many number of menial workers as well as Sweepers are required. In order to meet that contingency only the petitioner was initially engaged in the year 2001 with a monthly consolidated pay of Rs.500/- which has been time and again enhanced and at present the petitioner is drawing Rs.9500/- as salary per month on consolidated basis.

3. Though the petitioner has put in 21 years of service, he has not been brought under regular time scale of pay and his services also has not been regularized. Even though there are at least 3 vacancies for the post of Sweeper



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in the third respondent college, which has already been sanctioned by the Government, the petitioner's request for regularizing his services since has not been considered, he has approached this Court by filing the present writ petition by giving a request in this regard dated 09.12.2021 to the respondents.

4. Heard the learned counsel for the petitioner who would submit that in similar circumstances number of orders have been passed by this Court, where in order to fill up the vacancy of menial services like Sweeper, Sanitary Worker etc., where the post has been sanctioned by the Education Department to place those persons in the Colleges run by the Government and in this regard instead of appointing new entrants by taking candidates from the open market, at least the candidates who have put in service for long years can be considered and this kind of order has been passed in W.P.No.21168 of 2012 dated 16.02.2017. Therefore, relying upon the said decision, the learned counsel for the petitioner wants a positive direction by way of Mandamus to regularize the services of the petitioner with all service benefits.

5. However, Mr.C.Kathiravan learned Special Government Pleader appearing for the respondents would submit that, insofar as the appointment for menial services like Sweeper / Sanitary Worker in Government run educational institutions is concerned, only for the sanctioned posts appointments would be



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made based on the rules prescribed in this regard, where the Government has already taken a decision and issued Government Orders based on which appointments have been made and they have been working. Insofar as the temporary workers who have put in long years of service is concerned, appointed either by the College or the authorities, whether they can be regularized or not on the basis of the requirement of such college can be decided only on the basis of the sanctioned strength of the said institution and therefore in this regard a decision has to be taken by the respondents and the representation of the petitioner dated 09.12.2021 would be considered and decided on merits in accordance with law within a time frame that may be stipulated by this Court.

6. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

7. Insofar as the claim made by the petitioner that he is entitled to get regularisation since he has put in 21 years of service is to be considered by the first respondent on independent basis. If there are three vacancies available, it is not on the basis of the vacancy arisen in that institution but also on the basis of the vacancies that are available in the whole district in the higher education department as well as school education department, a pragmatic decision can be



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taken by the first respondent by considering the representation of the petitioner dated 09.12.2021 and accordingly the plea of the petitioner can be considered and decided on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

15.09.2022

Index : Yes/No
Internet : Yes/No
KST
To

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R. SURESH KUMAR, J.

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