



W.P. No. 10823 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 10823 of 2017

M.Lakshmi

... Petitioner

-VS-

1. The Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai.
3. The Chief Educational Officer,
Cuddalore District,
Cuddalore.
4. The District Educational Officer,
Cuddalore District,
Cuddalore.
5. The Assistant Elementary Education Officer,
Urdu Range,
Cuddalore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to



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consider the representation of the Petitioner dated 09.06.2013 for absorbing her as full time sweeper in regular time scale of pay in the existing vacancies in the light of G.O. Ms. No. 111, School Education (R1) Department dated 09.05.2012 and pass order within a reasonable time.

For Petitioner : Mr. V.S.Jagadeesan
For Respondents : Mr. P.Balathandayutham,
Special Government Pleader

ORDER

Heard Mr. V.S.Jagadeesan, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who had been sponsored through employment exchange and has been working as sweeper under the control of the Fifth Respondent from 01.05.1984 onwards on consolidated pay, had made representation dated 09.06.2013 to absorb her in regular time scale of pay in the existing vacancy, which benefit had been extended to the persons similarly placed to her in G.O. (Ms.) No. 111, School Education (R1) Department dated 09.05.2012 issued by



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the Government of Tamil Nadu in furtherance to court orders. In that backdrop,

the Petitioner has filed this Writ Petition for directing the First Respondent to pass orders on the representation dated 09.06.2013 made by her for absorbing her as full time sweeper in regular time scale of pay in the existing vacancies within a specified time limit.

3. Learned Special Government Pleader appearing for the Respondents submits that though proposal for regularizing the services of the Petitioner have been made to the First and Second Respondent, the said benefit could not be granted as she has not obtained any court order in her favour in that regard.

4. At this juncture, reference must be made to the dictum of the Hon'ble Supreme Court of India in ***State of Uttar Pradesh -vs- Arvind Kumar Srivastava*** [(2015) 1 SCC 347], where it has been held as follows:-

"22.1. Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence



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evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.”

It would, thus, be evident that the obligation is cast upon the concerned authorities to have on their own accord extended the same benefit to all similarly placed persons, if they are eligible for the same, without any discrimination, much less for the flimsy reason that the Petitioner has not obtained any court order in her favour for granting the same.

5. Having regard to the aforesaid legal position, the following order is passed:-

- (i) the concerned authority shall immediately consider the representation dated 09.06.2013 made by the Petitioner with reference to G.O. (Ms.) No. 111, School Education (R1) Department dated 09.05.2012 including ascertaining as to whether the Petitioner is entitled to the same benefits claimed;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed has not been produced, the



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deficiencies in that regard shall be informed in writing to the Petitioner

requiring the same to be furnished within a time frame of not less than 15

clear working days in that regard;

- (iii) in the event of not being satisfied with the requirements thereafter, an enquiry shall be conducted affording opportunity of personal hearing to the Petitioner to explain her position in that regard and a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated to the Petitioner by 31.12.2022 under written acknowledgment; and
- (iv) if the Petitioner still has any grievance thereafter, she is not precluded from working out her rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

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Index: Yes/No

Note: Issue order copy by 14.10.2022.



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To

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P.D. AUDIKESAVALU, J.

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