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W.P.No.32129 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32129 of 2022

V.Elayarani

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 & 2 to regularize the service of the petitioner from the date of actual appointment i.e., from 18.10.2004 to 01.06.2006 for the purpose of seniority, with consequential monetary and service benefits.

For Petitioner

...

Mr.Sankar Ramasamy

For Respondents 1 & 2

...

Mr.S.Yashwanth,

Additional Government Pleader



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ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to regularize the service of the petitioner from the date of his actual appointment i.e., on 18.10.2004 for the purpose of calculating seniority with consequential service and monetary benefits.

2. Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. At the outset, learned counsel for the petitioner would submit that even though a positive direction has been sought for in this writ petition, the petitioner will be satisfied, if she is allowed to give a fresh representation to the respondents requesting them to regularize her service from the date of her actual appointment i.e., from 18.10.2004 for the purpose of calculating her seniority with consequential monetary and service benefits and the respondents are directed to consider the same on merits and in accordance with law.



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4. Heard Mr.Sankar Ramasamy, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents.

5. No prejudice would be caused to the respondents, if such a direction is issued by this Court.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the second respondent requesting them for regularization of her service from the date of her actual appointment i.e., on 18.10.2004, along with the decisions which she relies upon for the same, within a period of one week from the date of receipt of a copy of this Order. On receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

01.12.2022

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Index: Yes/ No
Speaking Order/Non-speaking Order

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To

- 1.The Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.



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ABDUL QUDDHOSE, J.

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