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W.P. Nos.32493, 32497,
32498 and 32502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos.32493, 32497, 32498 and 32502 of 2022

M.Jagadeeswari	... Petitioner in W.P. No.32493 of 2022
G. Radhabai	... Petitioner in W.P. No.32497 of 2022
U.Ganesh	... Petitioner in W.P. No.32498 of 2022
N.Revathy	... Petitioner in W.P. No.32502 of 2022

Vs.

1. The State of Tamil Nadu
rep. by its
Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.

2. The Director of Government Examinations,
Directorate of Government Examinations,
College Road,
Chennai – 600 006.

3. The Deputy Director (Administration) of
Government Examinations,
Directorate of Government Examinations,
College Road,
Chennai – 6.

... Respondents in all W.P.s



W.P. Nos.32493, 32497,
32498 and 32502 of 2022

Prayer in W.P. No.32493 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefits of G.O. (1D) No.286, School Education (GE.1) Department, dated 19.07.2016 and G.O. (1D) No.238, School Education (Nee.Va.4(2)) Department, dated 07.04.2017 and G.O.(Pa) No.72, School Education (G.E.) Department, dated 28.02.2019 to the petitioner also for regularisation in the post of Record Clerk from the date of proposal (i.e.,) 03.11.1998 onwards on par with Junior for the purpose of pension based on the Writ Appeal Order dated 05.12.2017 in W.A. No.1292/2017 and grant pension to the petitioner from the date of retirement with effect from 01.05.2013.

Prayer in W.P. No.32497 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefits of G.O. (1D) No.286, School Education (GE.1) Department, dated 19.07.2016 and G.O. (1D) No.238, School Education (Nee.Va.4(2)) Department, dated 07.04.2017 and G.O.(Pa) No.72, School Education (G.E.) Department, dated 28.02.2019 to the petitioner also for regularisation in the post of Record Clerk from the date of proposal (i.e.,) 03.11.1998 onwards on par with Junior for the purpose of pension based on the Writ Appeal Order dated 05.12.2017 in W.A. No.1292/2017 and grant pension to the petitioner from the date of retirement with effect from 01.06.2011.

Prayer in W.P. No.32498 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefits of G.O. (1D) No.286, School Education (GE.1) Department, dated 19.07.2016 and G.O. (1D) No.238, School Education (Nee.Va.4(2)) Department, dated 07.04.2017 and G.O.(Pa) No.72, School Education (G.E.) Department, dated 28.02.2019 to the petitioner also for regularisation in the post of Record Clerk from the date of proposal (i.e.,) 03.11.1998 onwards on par with Junior for the purpose of pension based on the Writ Appeal Order dated 05.12.2017 in W.A. No.1292/2017 and grant pension to the petitioner from the date of retirement with effect from 01.07.2013.



W.P. Nos.32493, 32497,
32498 and 32502 of 2022

Prayer in W.P. No.32502 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefits of G.O. (1D) No.286, School Education (GE.1) Department, dated 19.07.2016 and G.O. (1D) No.238, School Education (Nee.Va.4(2)) Department, dated 07.04.2017 and G.O.(Pa) No.72, School Education (G.E.) Department, dated 28.02.2019 to the petitioner also for regularisation in the post of Record Clerk from the date of proposal (i.e.,) 03.11.1998 onwards on par with Junior for the purpose of pension based on the Writ Appeal Order dated 05.12.2017 in W.A. No.1292/2017 and grant pension to the petitioner from the date of retirement with effect from 01.08.2013.

For petitioners in all W.P.s : Mr.K.Arumugam
For respondents in all W.P.s : Mr.C.Sathish
Government Advocate

COMMON ORDER

By consent of both the parties, these writ petitions have been taken up for final disposal at the admission stage itself.

2. Mr.C. Sathish, learned Government Advocate accepts notice for the respondents.

3. These writ petitions have been filed by the petitioners seeking for regularisation of their services on notional basis. All of them were retired from service. According to them, pursuant to the order dated 05.12.2017 passed by the Division Bench of this Court in W.A. No.1292 of 2017, wherein, the order of the learned Single Judge was confirmed and the services of petitioners therein were granted regularisation. The petitioners



W.P. Nos.32493, 32497,
32498 and 32502 of 2022

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claim that they are also similarly placed and therefore, they are also entitled for notional regularisation from the date when similarly placed employees were granted regularisation. In such circumstances, the petitioners have given separate representations requesting the respondents to regularise them notionally in accordance with the order dated 05.12.2017 passed by the Division Bench of this Court in W.A.No.1292 of 2017. Since the representations have not been considered, till date, they have filed these writ petitions.

4. Heard Mr.K.Arumugam, learned counsel for the petitioner and Mr.C. Sathish, learned Government Advocate for the respondents.

5. At the outset the learned Government Advocate for the respondents would submit that the decision rendered by the Division Bench of this Court on 05.12.2017 in W.A No.1292 of 2017 which the petitioners rely upon does not apply to the case of the petitioners.

6. However, the same is disputed by the learned counsel for the petitioner, who would submit that a learned Single Judge of this Court by his order dated 27.10.2021 passed in W.P. No.22942 of 2021 which also involves similarly placed employees, directed the respondents to consider the similar request in the light of the order dated 05.12.2017 passed by the



W.P. Nos.32493, 32497,
32498 and 32502 of 2022

Division Bench of this Court in W.A. No.1292 of 2017.

WEB COPY

7. This Court is of the considered view that no prejudice would be caused to the respondents, if the petitioners are permitted to give a joint representation seeking for regularisation of their services in the light of the order of the Division Bench of this Court and on receipt of the said representation, the respondents are directed to pass final orders on merits and in accordance with law, within a time frame to be fixed by this Court.

8. It is for the respondents to give due consideration to the decision dated 05.12.2017 rendered by the Division Bench of this Court in W.A.No.1292 of 2017 and decide as to whether the said decision is applicable to the case of the petitioners herein or not.

9. For the foregoing reasons, this Court directs the petitioners to submit a joint representation to the respondents requesting for regularisation of their services in the light of the order of the Division Bench of this Court dated 05.12.2017 passed in W.A. No.1292 of 2017, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the 1st respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter. However, it is made clear that the respondents



W.P. Nos.32493, 32497,
32498 and 32502 of 2022

will have to consider Government Orders and the decision of the Division Bench of this Court, dated 05.12.2017 passed in W.A. No.1292 of 2017 and decide as to whether the same is applicable to the petitioners or not in the final order to be passed by them.

10. With the aforesaid directions, these writ petitions are disposed of. No costs.

02.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :
1. The State of Tamil Nadu
rep. by its
Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.
2. The Director of Government Examinations,
Directorate of Government Examinations,
College Road,
Chennai – 600 006.

ABDUL QUDDHOSE, J.

vsi2

3. The Deputy Director (Administration) of



W.P. Nos.32493, 32497,
32498 and 32502 of 2022

Government Examinations,
Directorate of Government Examinations,
College Road,
Chennai – 6.

W.P. Nos.32493, 32497, 32498
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