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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.34042 of 2022

C.Banumathi ... Petitioner

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

Prayer: 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

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(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 and also 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 01.06.2013.

For petitioner : Mr.K.Arumugam

For respondents : Mr.R.V.Dinesh Rajkumar,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Mr.R.V.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for the respondents.

3.This writ petition has been filed by the petitioner seeking for regularisation of her service on notional basis. She has retired from service. According to her, 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

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petitioners therein were regularised. The petitioner claims that she is also similarly placed and therefore, she is also entitled for notional regularisation from the date when similarly placed employees were granted regularisation. In such circumstances, the petitioner has given representation requesting the respondents to regularise her 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 representation has not been considered, till date, she has filed this writ petition.

4. Heard Mr.K.Arumugam, learned counsel for the petitioner and Mr.R.V.Dinesh Rajkumar, learned Additional Government Pleader for the respondents.

5. At the outset, the learned Additional Government Pleader 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 petitioner relies upon does not apply to the case of the petitioner.

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

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

7.This Court is of the considered view that no prejudice would be caused to the respondents, if the petitioner is permitted to give a representation seeking for regularisation of her service 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 petitioner herein or not.

9.For the foregoing reasons, this Court directs the petitioner to submit a representation to the respondents requesting for regularisation of her service in the light of the order of the Division Bench of this Court

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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 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 petitioner or not in the final order to be passed by them.

10.With the aforesaid directions, this writ petition is disposed of. No costs.

20.12.2022

Index: Yes/No
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ABDUL QUDDHOSE, J.

vga

To

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