



WEB COPY



W.P. No.34275 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.34275 of 2022

S. Sathish

.. Petitioner

vs.

1. Govt. of Tamil Nadu
Rep. by its Secretary to Government,
Higher Education Department,
Fort. St. George,
Chennai - 600 009.

2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.

3. The Principal,
Muthurangam Government Arts College,
Vellore - 632 002,
Vellore District.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the representation dated 01.01.2019 made by the petitioner.

For Petitioner : Ms.A. Anusuya
For Respondents : Mr.R.U. Dinesh Rajkumar,
Addl. Government Pleader



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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.U. Dinesh Rajkumar, learned Additional Government Pleader accepts notice for the respondents.

3. The grievance of the petitioner in this writ petition is that his mother Muniammal died on 18.04.2016 and while she was in service, her services were not regularised though similarly placed persons viz., D.Arasu and C.Jayavelu, who are juniors were regularised from the date of their initial appointment and not from the date of completion of ten years of service.

4. As seen from the affidavit filed in support of the writ petition, earlier while the petitioner's mother was alive, she had filed a writ petition before this Court and a direction was issued by this Court to consider her representation seeking for regularisation of her services. However, even before the representation could be considered, the petitioner's mother passed away. In such circumstances, the petitioner, who is her son has now sought for regularisation of her mother's service notionally to enable him to get monetary benefits. The petitioner has given a representation on 01.01.2019 to the 2nd respondent requesting them to regularise the



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services of the petitioner's mother Muniammal notionally from the date of her appointment. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

5. Heard Ms.A. Anusuya, learned counsel for the petitioner and Mr.R.U. Dinesh Rajkumar, learned Additional Government Pleader for the respondents.

6. The petitioner has filed documents along with this writ petition to substantiate his claim that his mother Muniammal ought to have been regularised in service on par with her juniors. It is for the respondents to consider the same on merits and in accordance with law.

7. No prejudice would be caused to the respondents, if the representation of the petitioner seeking for notional regularisation of the petitioner's mother service is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. Since the representation given by the petitioner is an old one, the petitioner will have to give a fresh representation.

9. This Court is not expressing any opinion on the merits of the petitioner's claim.

10. For the foregoing reasons, this Court directs the petitioner to



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submit a fresh representation to the 2nd respondent requesting them to regularise the services of his mother Muniyammal, notionally from the date of her initial appointment on par with her juniors, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 2nd respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

11. With the aforesaid directions, this writ petition is disposed of.

No costs.

23.12.2022

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

To :
1. The Secretary to Government,
Govt. of Tamil Nadu
Higher Education Department,
Fort. St. George,
Chennai - 600 009.



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2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.

3. The Principal,
Muthurangam Government Arts College,
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ABDUL QUDDHOSE, J.



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