



W.P.(MD) No.20289 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20289 of 2018

V.Thirumuruga Varadayan

... Petitioner

Vs.

**1.The Director of School Education,
DPI Compound,
College Road,
Chennai.**

**2.The District Educational Officer,
Virudhunagar District,
Virudhunagar.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of 2nd respondent in Na.Ka.No: 4008/A1/2018, dated 03.08.2018 and quash the same as illegal and unconstitutional, consequently, direct the respondents to forthwith regularize the services of the petitioner as night watchman from the date of completion of 10 years of service i.e., from 06.03.1999 and grant him all service and all monetary benefits, within the time stipulated by this Court.



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For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The petitioner herein was originally appointed as part time Sweeper through the Employment Exchange and his services were regularized as Night Watchman with effect from 20.06.2006. It is stated that the petitioner herein is now working as an Office Assistant at the second respondent office.

2.The learned counsel for the petitioner submitted that, though he was appointed in the Education Department on 06.03.1989, the respondents have considered his initial appointment as 06.03.1998. According to the learned counsel, such reference to his date of initial appointment as 06.03.1998 is an error committed by the respondent. In support of such claim, the learned counsel produced copies of the petitioner's initial appointment order, dated 06.03.1989, as well as the communication of the District Educational Officer sent to the Director of School Education, Chennai, dated 02.01.2009, which evidences the petitioner's initial appointment to be on 06.03.1989. While considering these two orders i.e., the order of appointment dated 06.03.1989



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and the communication of the second respondent dated 02.01.2009, it could be said that the petitioner was initially appointed on part time basis from 06.03.1989. The respondents, while passing the impugned order, have not made any reference to the appointment order of the petitioner and the communication from the second respondent dated 02.01.2009.

3. The issue as to whether the initial appointment was 06.03.1989 or 06.03.1998 requires to be considered on the basis of the records available with the respondents. In this connection, if the second respondent is directed to reconsider the petitioner's claim that he was initially appointed on 06.03.1989, the ends of justice could be secured.

4. Accordingly, the petitioner is granted liberty to make a fresh representation to the first respondent herein for rectification of his date of initial appointment as 06.03.1989, enclosing all the supporting documents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent herein shall consider the representation, together with supported documents and after giving due



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opportunity to the petitioner herein, shall pass appropriate orders, within a period of twelve weeks from the date of receipt of such representation from the petitioner. Till such time the orders are passed, the impugned order passed by the second respondent in Na.Ka.No: 4008/A1/2018, dated 03.08.2018, shall be kept in abeyance.

5. This writ petition stands ordered accordingly. No costs.

01.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

TM

To

1.The Director of School Education,
DPI Compound,
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M.S.RAMESH,J.

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