



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.24327 of 2019
W.M.P (MD) .No.20942 of 2019

N.Arumugam

... Petitioner

Vs

1.District Educational Officer,
Office of the District Educational Office,
Pudukkottai.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Pudukkottai.

3.The Headmaster,
Government Men's Higher Secondary School,
Thirumayam,
Thirumayam Post,
Thirumayam Taluk,
Pudukkottai District.

4.The Parent Teachers Club,
Government Men's Higher Secondary School
Thirumayam,
Thirumayam Post,
Thirumayam Taluk,
Pudukkottai District.

...Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to reinstate the petitioner in the post of Night Watchman under the third respondent school on the basis of the petitioner representation dated 05.11.2019 and within the time stipulated time and pay all back wages and other monetary benefits.

For Petitioner : Mr.J.Vishnu

For Respondents : Mr.G.V.Vairom Santhosh
Additional Government Pleader



O R D E R

The relief sought for in the present writ petition is to direct the respondents to reinstate the petitioner in the post of Night Watchman under the third respondent school based on the representation dated 05.11.2019 submitted by the petitioner.

2. The petitioner states that he was appointed as Night Watchman. His father was also working as Watchman in the third respondent School and he retired from service. The petitioner was appointed by Parent-Teacher Association/fourth respondent. The petitioner was paid consolidated pay salary by the Parent-Teacher Association from the fund maintained by the Association.

3. The learned counsel appearing for the petitioner made a submission that the petitioner was working for about 15 years hoping that his services will be regularised.

4. Such an argument cannot be entertained in view of the principles laid down by the Constitutional Bench of the Hon'ble Supreme Court of India in the case of ***State of Karnataka Vs. Umadevi reported in 2006 [4] SCC 1***. This apart, the petitioner was not even appointed by the Government Authorities. He was appointed by the Parent-Teachers Association which is not a Government Body. Therefore, the petitioner cannot seek regularisation and permanent absorption in the sanctioned post of Night-watchman or any other post. If at all the parent-teachers Association is willing to provide any service to the petitioner, they are at liberty to provide service to the petitioner. However, the Educational Department cannot grant regularisation or permanent absorption as the petitioner was not even appointed by the Government Authority. Therefore, regularisation and permanent absorption cannot be granted to the petitioner. However, the petitioner is at liberty to approach the Parent-Teacher's Association, if at all they are willing to provide some service to the petitioner from their own fund.

5. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADMIN-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb



To

1.The District Educational Officer,
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Thirumayam Post,
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Pudukkottai District.

+1 CC to M/s.SPL.GP. (SR-21470[F] dated 26/04/2022)

W.P.(MD) No.24327 of 2019

25.04.2022

RK(12/05/2022) 3P 6C