



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.25328 of 2019

A.Rukmani

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
Secretary to Government
Education Department
Fort St. George
Chennai 9

2.The Director of School Education
(Higher Secondary)
College Road
Chennai 6

3.The Chief Educational Officer,
Pudukottai District.

4.The District Educational Officer
Pudukottai.

5.The Headmistress
Government Girls Higher Secondary School
Alangudi, Pudukottai District.

... Respondents

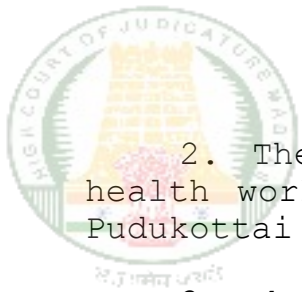
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to grant all service benefits including annual increments, earned and unearned leave benefits, medical leave, time bound promotions, arrears of salary etc., to the petitioner from the date of regularisation of her service with effect from 12.11.1990 and to grant other suitable relief.

For Petitioner
For Respondents

: Mr.T.Banumathy
: Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to grant the service benefits including annual increments, earned and unearned leave benefits, medical leave, time bound promotions, arrears of salary etc., to the petitioner from the date of regularisation of her service with effect from 12.11.1990.



2. The petitioner states that he was appointed as part time health worker in the Government Higher Secondary school, Alangudi, Pudukottai District on 09.08.2018.

3. The grievance of the writ petitioner is that though he was appointed as part time employee from the year 1988, her services were not regularised in the sanctioned post.

4. The learned counsel for the petitioner made a submission that other similarly placed persons were considered and their services were brought under regular establishment. As far as part time employees in education department in the State of Tamil Nadu are concerned, the Hon'ble Supreme Court of India in the case of **Secretray to Government, School Education Department, Chennai v. R.Govindasamy** reported in **2014 (4) SCC 769** has held as follows:

"8.this Court in State of Rajasthan & Ors. v. Daya Lal & Ors., AIR 2011 SC 1193, has considered the scope of regularisation of irregular or part-time appointments in all possible eventualities and laid down well-settled principles relating to regularisation and parity in pay relevant in the context of the issues involved therein. The same are as under:

(i) The High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularisation, absorption or permanent continuance, unless the employees claiming regularisation had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant post."

5. As far as the present writ petition on hand is concerned, the respondents filed a counter stating that the petitioner stayed away from duty with effect from 09.09.2011. This being the facts established, the petitioner is not entitled for the relief of regularisation and permanent absorption and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR



To

1.The Secretary to Government
Education Department
Fort St. George
Chennai 9

2.The Director of School Education
(Higher Secondary)
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+1 CC to M/s.T.BANUMATHY, Advocate (SR-11483[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11839[F] dated 14/03/2022)

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KG (CO)

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