



W.P.Nos.17156 & 17177 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.17156 & 17177 of 2020

A.Thalavai Muthu

... Petitioner in both W.Ps

Vs.

1.State of Tamil Nadu,

Rep. by the Principal Secretary to Government,
School Education Department,
Chief Secretariat,
Chennai 600 009.

2.The State Project Director,

Samagra Shiksha, DPI Campus,
Chennai - 600 006.

3.The Additional Chief Educational Officer,

Samagra Shiksha,
Collectorate Campus,
Tirunelveli 627 009.

... Respondents in both W.Ps

Prayer in both W.Ps: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to pay the salary attached to the post of System Analyst with all attendant benefits including monetary benefits by extending the judgment made in W.P.No.1535 of 2012 (S/S) dated



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10.06.2013 which has attained finality in R.P(C) No.2045 of 2018 in SLP (C) No.14944 of 2017 by an order dated 17.07.2018 and to regularise the petitioner as System Analyst or any other suitable post on par with System Analyst with all attendant benefits including monetary benefits.

In both W.Ps.

For Petitioner : Mrs.N.Kavitha Rameshwar

For Respondents : Mr.S.Silambanan, Addl. Advocate General
assisted by Mr.T.Chezhiyan, AGP

COMMON ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus to direct the respondents 1 to 3 to pay the salary attached to the post of System Analyst with all attendant benefits including monetary benefits by extending the judgment made in W.P.No.1535 of 2012 (S/S) dated 10.06.2013 which has attained finality in R.P(C) No.2045 of 2018 in SLP (C) No.14944 of 2017 by an order dated 17.07.2018 and to regularise the petitioner as System Analyst or any other suitable post on par with System Analyst with all attendant benefits including monetary benefits.



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2. Heard Mrs.N.Kavitha Rameshwar, learned counsel for the petitioner and Mr.S.Silambanan, learned Additional Advocate General appearing for the respondents.

3. The petitioner was appointed as a Computer Programmer on temporary basis on consolidated pay from 11.04.2005 to 29.05.2020. The services of the similarly placed persons who were working in Uttarkhand Government have been regularised as per the Orders of the Hon'ble Supreme Court of India in the case of Subhash Singh & Others Vs. Secretary Education, Govt. of Uttarkhand and Others. Aggrieved over the said order, the Government made a special appeal No.352 of 2013 and the same was dismissed by an order dated 06.12.2016. Once again the Government filed SLP (C) No.14944 of 2014 and it was also dismissed by an order 17.07.2017. Further the Government filed R.P.(C) No.2045 of 2018 in SLP (C) No.14944 of 2017 which was also dismissed by an order dated 17.07.2018. By raising the above grounds, the petitioner has filed these Writ Petitions.

4. Mr.S.Silambanan, learned Additional Advocate General for the



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respondents submitted that in the case of *State of Rajasthan and others*

Vs. Dayalal and others, the Hon'ble Supreme Court has held that irregular or part-time appointment in all eventualities cannot get the benefit of Article 14 & 16 and hence their services cannot be regularised.

5. In the case in hand, the petitioner is not a part-time employee and he is a full-time employee and who has rendered his service for nearly 15 years. The petitioner relies upon the earlier judgment of the High Court of Uttarkhand made in W.P.No.1535 of 2012. The said judgment has been upheld by the Hon'ble Supreme Court as well.

6. In the said circumstances, the petitioner can make a fresh representation by producing the said judgments before the respondents and on receipt of the same, the respondents shall consider it in accordance with law. However, the petitioner cannot have any assurance that the policy decision taken by the Uttarkhand Government will be followed by the Government of Tamil Nadu also.



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7. With the above observations, these Writ Petitions are disposed and it is upto the petitioner to produce the above said judgment before the respondents at the time of making representation and on receipt of such representation, the respondents shall consider the same and pass orders in accordance with law. No costs.

27.11.2023

Index : Yes

Internet : Yes/No

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To

- 1.The Principal Secretary to Government,
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Chennai 600 009.
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