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W.P.No.9328 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 9328 of 2016

S.Pavayee

... Petitioner

Versus

- 1.The State,
Rep. by the Secretary,
Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
Directorate of Elementary Education,
DPI Complex, College Road, Chennai – 600 006.
- 3.The Deputy Director of School Education,
Department of School Education,
DPI Complex, college Road, Chennai – 600 006.
- 4.The District Educational Officer,
District Library Campus,
Salem District – 636 007.
- 5.The District Elementary Educational Officer,
District Library Campus,
Salem District – 636 007.
- 6.The Assistant Educational Officer,
Veerapandi, Salem District – 636 308.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 09.01.2016 in line with the G.O. Ms.No.111 dated 09.05.2012 of Department of School Education.

For Petitioner : Mr.G.Thyagarajan

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 09.01.2016 in line with the G.O. Ms.No.111 dated 09.05.2012 of Department of School Education.

2. It is the case of the writ petitioner that she is a widow and employed as a part time menial Contingent Worker at the office of the Assistant Educational Officer, Veerapandi, Salem in the year 1998. She was referred to the post through employment exchange vide No.W/16803/97 dated 07.11.1997. She further states that she belongs to the downtrodden community. It is the case of the writ petitioner that the Government had passed G.O.Ms.No.111 of 2012 dated 09.05.2012 and thereunder, all the



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part time workers, who have completed more than ten years of service are to be regularised and to be paid all benefits as per the rules and regulations.

According to the writ petitioner, the said G.O was given effect to hundreds of workers and they were regularised. Unfortunately, her services were not regularised. In such circumstances, she has given representation to the respondents dated 09.01.2016 for which there was no response from the respondents. Hence, the writ petitioner had approached this Court by way of filing this writ petition.

3. The 5th respondent had filed a counter stating that the petitioner had approached this Court after several years and the writ petition is liable to be dismissed on the ground of delay. The 5th respondent further states that the G.O.Ms.No.111 of 2012 dated 09.05.2012 is only a conditional order and the petitioner cannot claim as a matter of right for regularisation of services and therefore sought for dismissal of the petition.

4. Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader for the respondents.



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5. The learned counsel for the petitioner would submit that the writ petitioner has served for more than 20 years. Further, similarly placed employees were regularised and have taken full benefits of the G.O.Ms.No.111 of 2012 dated 09.05.2012 and the petitioner has not been extended the same benefits. Hence, he seeks direction to consider the petitioner's representation.

6. In the light of the submissions made on either side, this Court feels that it would be just and proper to direct the respondents to consider the petitioner's representation dated 09.01.2016 objectively, considering the purport of G.O.Ms.No.111 of 2012 dated 09.05.2012 and pass final orders on merits within a period of four weeks from the date of receipt of a copy of this order.

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Index: Yes/ No
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P.B.BALAJI, J.,

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