



W.P.No.29626 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29626 of 2014 and
MP.No.1 of 2014

Y.Banumathi

... Petitioner

Vs.

- 1.The State of Tamilnadu Rep.
By the Secretary to Government,
Education Department,
Secretariat, Chennai-9
- 2.The Director of School Education,
College Road,
Chennai-6
- 3.The Chief Educational Officer,
Villupuram District,
Villupuram

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to regularise the service of the petitioner with effect from the date of initial appointment of atleast with effect from the completion of 3 years of service as mentioned in GO.Ms.No.385, Finance (Pay Scale) Department dated 01.10.2010 or GO.Ms.No.74 dated 27.06.2013, Personnel & Administrative Reforms (F) Department by treating the



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petitioner as a full time employee and GO.Ms.No.111 dated 09.05.2012, School Education(R1) Department passed in favour of the petitioner's juniors with all monetary and service benefits.

For Petitioner : Mr.Arvinth Viveks
for M/s.M.Srividhya

For Respondents : Mr.M.Muthusamy,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to regularise the service of the petitioner with effect from the date of initial appointment of atleast with effect from the completion of 3 years of service as mentioned in GO.Ms.No.385, Finance (Pay Scale) Department dated 01.10.2010 or GO.Ms.No.74 dated 27.06.2013, Personnel & Administrative Reforms (F) Department by treating the petitioner as a full time employee and GO.Ms.No.111 dated 09.05.2012, School Education(R1) Department passed in favour of the petitioner's juniors with all monetary and service benefits.

2. Heard, the learned counsel appearing on either side.



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3. The petitioner was appointed as Part Time Sweeper through Parents Teachers Association in the Government Higher Secondary School at Puliyakannu. As per GO.Ms.No.22 dated 28.02.2006, she has sought for regularisation of her service.

4. On perusal of counter filed by the second respondent, revealed that as per GO.Ms.No.22 Personnel and Administrative Reforms dated 28.02.2006, those who are working in daily wages, completed 10 years of service on 01.01.2006 are qualified for appointment for the post and regularisation of their services. Whereas the petitioner is neither Part Time Sweeper nor Contingent Staff in the said school. Further, as per GO.Ms.No.74 dated 27.06.2013, the services of the full time daily wage employees who were initially appointed on full time basis in consultation with the employment exchange to discharge the function of the post in Tamilnadu Basic Service and completed 10 years of service as on 01.01.2006 shall be regularised against the regular vacancy in the sanctioned cadre strength. Whereas the petitioner was appointed by the Parent Teachers Association as Part Time Sweeper.



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Therefore, she is not entitled to claim any regularisation as per Government Orders. Therefore, the writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

1. Secretary to Government,
The State of Tamilnadu,
Education Department,
Secretariat, Chennai-9
2. The Director of School Education,
College Road,
Chennai-6
3. The Chief Educational Officer,
Villupuram District,
Villupuram
4. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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