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W.P.No.19355 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2023

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THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.19355 of 2020

M.Suresh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai – 600 006.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forthwith consider the claim of the petitioner for regularization of his services in the time scale of pay as Driver in any one of the existing sanctioned vacancies on merits and as per law.

For Petitioner : Mr.L.Chandrankumar

For Respondents : Mr.M.Shahjahan,
Special Government Pleader



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ORDER

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The petitioner has filed this writ petition seeking direction to the respondents to forthwith consider the claim of the petitioner for regularization of his services in the time scale of pay as Driver in any one of the existing sanctioned vacancies on merits and as per law.

2. The case of the petitioner is that the petitioner was appointed as a Driver vide proceedings dated 18.11.2011 through parent teachers association. During his continuance on temporary and daily wage basis, there had arisen 16 clear cut vacancies in the post of Driver and out of which 5 persons were regularized by the respondents, however, the petitioner has not been considered for the regularization, though he has rendered more than 5 years of service. Thus, he has made a representation dated 19.03.2020 before the respondents, seeking regularization in the aforesaid post of Driver. However, no action was taken. In order to regularize his service in the time scale of pay as Driver in any one of the existing sanctioned vacancies in the light of G.O.Ms.No.231 dated 04.09.2012, the petitioner has come forward with the present writ petition.



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3. Learned counsel for the petitioner submitted that there had arisen 16 vacancies for the post of Driver and out of which, 5 vacancies were filled and still there are 11 vacancies as on date. Hence, he prayed this Court to issue a direction to the respondents to consider the claim of the petitioner for regularization of his services in the time scale of pay as Driver in any one of the existing sanctioned vacancies.

4. Learned Special Government Pleader appearing for respondents has no objection for the aforesaid order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the submission made by the learned counsel on either side, this Court without going into the merits of the case, issues the following directions:

(i) Petitioner is directed to approach the respondents by enclosing a



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copy of the representation dated 19.03.2020 along with the copy of the order of this writ petition.

(ii) On receipt of the same, the respondents are directed to consider and dispose of the petitioner's representation dated 19.03.2020 by passing appropriate orders on merits and in accordance with law in the light of G.O.Ms.No.231, School Education Department dated 04.09.2012, within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs.

19.09.2023

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Internet : Yes/No

Index : Yes/No

Speaking order/Non-speaking order

To:

1.The Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Director of School Education,

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J.SATHYA NARAYANA PRASAD,J.

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