



W.P.No.28524 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.28524 of 2021

S. Sivaji

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government
School Education Department,
Secretariat, Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
2. The Director of School Education,
The Office of Director of School Education,
DPI Campus,
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
The Office of the Chief Education Officer,
Kallakurichi, Kallakurichi District.
4. The District Education Officer,
Office of the District Education Officer,
Kallakurichi, Kallakurichi District.
5. The Head Master,



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Government Higher Secondary School,
Ariyalur – 605 801.
Sankarapuram (TK)
Kallakurichi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents herein to dispose of the representation of the petitioner dated 15.07.2019 seeking to extend the benefits of the same order passed in G.O(MS).No.123 Education (R1) Department, dated 17.08.2011 to the petitioner herein within a time scheduled and pass further order.

For Petitioner : Mr. K. Thennan
For Respondents : Mr.D.Gopal
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the 1st and 2nd respondents herein to dispose of the representation of the petitioner dated 15.07.2019 to extend the benefits of the same order passed in G.O(MS).No.123 Education (R1) Department, dated 17.08.2011 to the petitioner.



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2. The case of the petitioner is that the petitioner viz., S.Sivaji was initially appointed as Part Time Sweeper through the name sponsored by the District Employment Office on 03.04.1991. After 10 years of continuous service, on 23.04.2002 he was brought into regular establishment in Government service as Full Time Government Servant with time scale of pay and posted as full time Watch Man. One similarly placed person Thiru.P.Subramani, who was appointed as Part Time Sweeper on 01.11.1990 (not sponsored by Employment Exchange) had approached the High Court to regularise his service from the date of initial appointment as part time sweeper with all attendant benefits. This Court was pleased to grant the relief as prayed in W.P.No.4859 of 2009 dated 24.02.2010. The said order was upheld by the Division Bench and further confirmed by the Apex Court and the said P.Subramani filed Contempt petition to implement the order. Therefore, his service was regularised with effect from his date of first appointment from 01.11.1990 onwards and awarded all the monetary benefits with regular time scale of pay from the date first appointment from 01.11.1990 onwards by relaxing the Rules 4(a) of Special Rules for Basic Services and Rule 23(a) (ii) of Tamil Nadu State and Subordinate Services



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Rules vide GO Ms.123 School Education (R) Department dated 17.08.2011.

the said G.O was given effect to by the District Education Officer, Coimbatore in proceedings Na.Ka.No.2360 A1/2009 dated 18.08.2011. Hence the petitioner gave a representation seeking similar benefit of regularisation with effect from the date of his first appointment and the same is pending. Therefore, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 15.07.2019 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the respondent submitted that he has no objection for the said order being passed by this Court.



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

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 15.07.2019 in the light of the G.O.(MS).No.123 Education (R1) Department, dated 17.08.2011 and pass appropriate orders on merits and in accordance with law, 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 above observation and direction. No costs.

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(9/11)

dpq
Index : Yes/No
Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

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