



WEB COPY



W.P.(MD)Nos.6378 and 6379 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.6378 and 6379 of 2023

and

W.M.P.(MD)Nos.6037 and 6040 of 2023

W.P.(MD)No.6378 of 2023:

R.Venurajkumar

... Petitioner

VS.

- 1.The Principal Secretary,
School Education Department,
Secretariat, Fort St.George,
Chennai.
- 2.The Director of School Education,
DPI Complex, College Street,
Chennai 600 006.
- 3.The Joint Director (Personnel),
School Education Department,
DPI Complex, College Street,
Chennai 600 006.



W.P.(MD)Nos.6378 and 6379 of 2023

WEB COPY

4.The Director,
State Educational Research and Training Institute,
DPI Complex, College Street,
Chennai 600 006.

5.The Principal,
District Institute of Education and Training,
Vanaramutti, Kayatharau Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in ந.க.எண்.067400அ5/இ4/2022, dated 08.12.2022, issued by the 2nd respondent and to quash the same and consequently, to direct the respondents to regularize the service of the petitioner as Jeep Driver in the 5th respondent Institute.

W.P.(MD)No.6379 of 2023:

T.Arumugam

... Petitioner

vs.

1.The Principal Secretary,
School Education Department,
Secretariat, Fort St.George,
Chennai.



W.P.(MD)Nos.6378 and 6379 of 2023

WEB COPY

- 2.The Director of School Education,
DPI Complex, College Street,
Chennai 600 006.
- 3.The Joint Director (Personnel),
School Education Department,
DPI Complex, College Street,
Chennai 600 006.
- 4.The Director,
State Educational Research and Training Institute,
DPI Complex, College Street,
Chennai 600 006.
- 5.The Principal,
District Institute of Education and Training,
Theroor @ Kulasekaranputhoor,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in ந.க.எண்.073904அ5/இ4/2022, dated 14.12.2022, issued by the 2nd respondent and to quash the same and consequently, to direct the respondents to regularize the service of the petitioner as Jeep Driver in the 5th respondent Institute.

In both writ petitions:

For Petitioner : Mr.R.Gowrishankar
For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader



WEB COPY



W.P.(MD)Nos.6378 and 6379 of 2023

COMMON ORDER

The writ petition in W.P.(MD)No.6378 of 2023 is filed by Venurajkumar for writ of Certiorarified Mandamus, to quash the impugned order dated 08.12.2022 of the 2nd respondent and consequently to direct the respondents to regularize the service of the petitioner as Jeep Driver in the 5th respondent Institute.

2. The writ petition in W.P.(MD)No.6379 of 2023 is filed by T. Arumugam for writ of Certiorarified Mandamus, to quash the impugned order dated 14.12.2022 of the 2nd respondent and consequently to direct the respondents to regularize the service of the petitioner as Jeep Driver in the 5th respondent Institute.

3. The brief facts of W.P.(MD)No.6378 of 2023 are that the petitioner joined as Jeep Driver in the 5th respondent institution on temporary basis, vide proceedings, dated 01.08.2011 and he was



W.P.(MD)Nos.6378 and 6379 of 2023

WEB COPY

petitioners in both the writ petitions submitted representations to the respondents stating that they are working in the DIET for more than five years as daily wage basis and are getting a monthly salary of Rs.6,000 to 7,000/-. Subsequently, they have also submitted representations, dated 18.07.2022, to regularize their service.

6. The petitioner in W.P.(MD)No.6378 of 2023 had filed W.P.(MD) No.20500 of 2022, seeking a direction to direct the respondents to regularize him and this Court directed the respondents to consider and pass orders within a period of three months. Similarly, the petitioner in W.P.(MD)No.6379 of 2023 has filed W.P.(MD)No.20547 of 2022, seeking a direction to direct the respondents to regularize him and this Court directed the respondents to consider and pass orders within a period of three months. Subsequently, the respondents considered the claim of the petitioners in both the writ petitions and passed the impugned orders declining the regularization.



W.P.(MD)Nos.6378 and 6379 of 2023

WEB COPY

7. The impugned orders state that the petitioners were appointed on a temporary basis, recruitment rules were followed, the reservation policy was not followed and it is not a sanctioned post. Hence, the claim of the petitioners for regularization cannot be considered.

8. On instructions, the learned Additional Government Pleader appearing for the respondents in both the writ petitions submitted that there is no sanctioned post. However, the learned Counsel for the petitioner in both the writ petitions submitted that the Government has sanctioned “Jeep” for the DIET. Which means the government has sanctioned Jeep, but not Driver. If the Jeep is not put to use, then the same would be rusting. Hence the respondents had engaged the petitioners. The petitioner Venurajkumar had served for more than 12 years and the petitioner T.Arumugam had served for more than 9 years. Therefore the petitioners ought to be granted weightage for their service.



WEB COPY



W.P.(MD)Nos.6378 and 6379 of 2023

9. Therefore, this Court is inclined to direct the 1st respondent in both the writ petitions to consider the case of the petitioners in both the writ petitions for regularization. It is seen that the petitioners had worked not only as a Driver but also attended other jobs including Office Assistant. The Learned Counsel for the petitioner submitted that the DIET is having sanctioned post of “Office Assistant” and the same is vacant. Therefore, the 1st respondent in the writ petitions shall consider the same and regularize the service of the petitioners in the said Office Assistant post and also in the post of Driver. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

10. With the above said observation, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

27.03.2023



W.P.(MD)Nos.6378 and 6379 of 2023

WEB COPY

NCC : Yes / No

Tmg

To

- 1.The Principal Secretary,
School Education Department,
Secretariat, Fort St.George,
Chennai.
- 2.The Director of School Education,
DPI Complex, College Street,
Chennai 600 006.
- 3.The Joint Director (Personnel),
School Education Department,
DPI Complex, College Street,
Chennai 600 006.
- 4.The Director,
State Educational Research and Training Institute,
DPI Complex, College Street,
Chennai 600 006.
- 5.The Principal,
District Institute of Education and Training,
Vanaramutti, Kayatharau Taluk,
Tuticorin District.
- 6.The Principal,
District Institute of Education and Training,
Theroor @ Kulasekaranputhooor,
Kanyakumari District.



WEB COPY



W.P.(MD)Nos.6378 and 6379 of 2023

S.SRIMATHY, J

Tmg

W.P.(MD)Nos.6378 and 6379 of 2023

27.03.2023