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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos. 22528, 23127, 23128 of 2018 & 5497 of 2019

and

W.M.P(MD)No.21058 of 2018

W.P.(MD)No. 22528 of 2018

M.Sundaram

... Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Secretariat,
Saint George Fort,
Chennai - 9.
2. The District Educational Officer,
Kuzhithurai Education District,
Marthandam,
Kanyakumari District.
3. The Assistant Educational Officer,
Karungal Post,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with impugned order in Mu.Moo.No.5994/A1/2013 dated 14.10.2017 of the 2nd respondent and quash the same and pass an order to regularize the services of the petitioner as per G.O.Ms.No.247/12 dated 03.10.2012 from the date of completion of 10 years of service and grant all service benefits and other benefits including pension benefits taking 50% of the previous service for pension purposes as per Pension Rules.

W.P.(MD)No. 23127 of 2018

M.Sundaram

...Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Secretariat,
Saint George Fort,
Chennai - 9.
2. The District Educational Officer,
Kuzhithurai Education District,
Marthandam,
Kanyakumari District.
3. The Assistant Educational Officer,
Karungal Post,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, call for the records in connection with impugned order in Mu.Moo.No.5994/A1/2013 dated 14.10.2017 of the 2nd respondent and quash the same and pass an order to regularize the services of the petitioner as per G.O.Ms.No.247/12 dated 03.10.2012 from the date of completion of 10 years of service and grant all service benefits and other benefits including pension benefits taking 50% of the previous service for pension purposes as per pension rules.

W.P.(MD)No. 23128 of 2018

C.Thangapai

... Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Secretariat,
Saint George Fort,
Chennai - 9.
2. The District Educational Officer,
Kuzhithurai Education District,
Marthandam, Kanyakumari District
3. The Assistant Educational Officer,
Karungal Post,
Kanyakumari District

...Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with impugned order in Mu.Moo.No.5994/A1/2013, dated 14.10.2017 of the 2nd respondent and quash the same and pass an order to regularize the services of the petitioner as per G.O.Ms.No.247/12, dated 03.10.2012 from the date of completion of 10 years of service and grant all service benefits and other benefits including pension benefits taking 50% of the previous service for pension purposes as per pension rules.

W.P.(MD)No. 5497 of 2019

D.Saraswathi

...Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Secretariat,
Saint George Fort, Chennai.
2. The Director of School Education,
College Road,
Nungambakkam,
Chennai-600006.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District



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4. The District Educational Officer,
Kulithurai,
Kanyakumari District.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with impugned order letter No. 11373/ Nee.Va. 1(2) 2014-2 dated 19.09.2014 of the 1st respondent and quash the same and pass an order to regularize the services of the petitioner from the date of joining service and grant all service benefits and pension benefits with interest from the date of due.

In Both the Writ Petitions:

For Petitioner : M/s.R.Maheswaran
P.Mani Ananth

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

These writ petitions are filed to regularize the services of the petitioners from the date of joining service and grant all service benefits and pension benefits with interest from the date of due.



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2. Heard P.Mani Ananth for M/s.R.Maheswaran the Learned Counsel appearing for the petitioner and Mr.V.Om Prakash the Learned Government Advocate appearing for the respondents and perused the material documents placed on record.

3. In these cases, these writ petitioners are not regularized. But they were recruited through employment exchange and served for more than 10 years. In the similar case the respondents have considered the cases of the similarly placed persons and hence the respondents are bound to consider the petitioners' case as well. This Court in W.P.(MD)No.14262 of 2016 vide order 21.06.2023 has directed the respondents to consider and pass order.

4. Accordingly, the respondents are directed to consider and pass orders in the light of the G.O.Ms.No.111, School Education (R1) Department, dated 09.05.2012 and G.O.No.247 School Education (R1) Department dated 13.10.2012. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of the order.



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5. With these observations and directions, these writ petitions are disposed of. There shall be no order as to Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
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21.06.2023



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To

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Saint George Fort,
Chennai - 9.
2. The District Educational Officer,
Kuzhithurai Education District,
Marthandam,
Kanyakumari District.
3. The Assistant Educational Officer,
Karungal Post,
Kanyakumari District.
4. The Chief Educational Officer,
Nagercoil,
Kanyakumari District
5. The District Educational Officer,
Kulithurai,
Kanyakumari District.



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S.SRIMATHY, J

ksa

**Common Order made in
W.P.(MD)Nos.22528, 23127,
23128 of 2018 & 5497 of 2019**

21.06.2023