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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.24995 of 2016

C.Santhamma

... Petitioner

–Vs. –

–

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Saint George Fort,
Chennai – 600 009.
2. The Director of School Education,
D.P.I. Complex,
College Road,
Chennai-600 006.
3. The Chief Educational Officer,
Kanyakumari District
Nagercoil.
4. The District Educational Officer,
Kulithurai Educational Officer,
Marthandam,
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 Mandamus directing the respondents directing the respondents 1 to 4 herein to regularise the service of the petitioner as 'Full-Time Kavalar' on completion of ten years of Part-Time services from 28.07.1989 instead of 25.08.2006 within a stipulated time as fixed by this Court.

For Petitioner : M/s.R.Maheswaran
R.Kathiresa Perumal

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

This writ petition is filed to regularize the service of the petitioner.

2. Heard M/s.R.Maheswaran, R.Kathiresa Perumal, 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. The writ petitioner was recruited through employment exchange and had served for more than 10 years, but his service was not regularized. The



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respondents have considered the cases of the similarly placed persons and hence the respondents are bound to consider the petitioner's 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 and the relevant portion of the order is extracted hereunder:

“6. On perusing the G.O.Ms.No.111, it is seen that the said G.O. states that the benefits would be applicable from the date of issuance of the G.O. only. But subsequently, the Government has modified the said GO by issuing G.O.No. 247, especially deleted the paragraph No.6 in G.O.No.111. However, the Learned Government Advocate submitted that if the claim of the petitioners were accepted it would put the government under financial constraints and this submission of the respondents is recorded. Therefore, this Court is directing the 1st respondent to consider the claim of the petitioners in the light of the G.O.No.111 and G.O.No.247. The said claim shall be considered within a period of 12 weeks from the date of receipt of the copy of the 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



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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.

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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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.24995 of 2016**

22.06.2023