



W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

W.P.No.845 of 2022:-

K.Arul

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Education Department,
Fort St.George, Chennai – 9.

2.The Director of School Education,
College Road, Chennai – 09.

3.The Chief Educational Officer,
Vellore-District.

4.The District Educational Officer,
Vellore-District.

... Respondents

Prayer in W.P.No.845 of 2022: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2021 to regularize the petitioner's service from the date of his initial appointment on 25.02.1985 in light of G.O.Ms.No.123 School Education Department dated 17.08.2011 and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears.



W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

In all W.Ps

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For Petitioners : Mr.S.Esairani Narasimman

For Respondents : Mr.S.Arumugam
Government Advocate

COMMON ORDER

These Writ Petitions have been filed for a direction directing the respondents to consider the petitioners' representation dated 25.09.2021 to regularize thier service from the date of their respective initial appointments in light of G.O.Ms.No.123 School Education Department dated 17.08.2011 and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears.

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

3. The petitioners were selected and appointed to post of part time sweepers in various Schools. However, their services were not regularized so far. Though the Government of Tamil Nadu passed various orders for regularizing the services of all the part time sweepers/sanitary workers in G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department, dated



W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

28.02.2006 and G.O.Ms.No.74 Personnel and Administrative Reforms (F)

Department, dated 27.06.2013, the Education Department failed to implement the Government Orders. Therefore, the petitioners made several representations to regularize their services with effect from the date of their initiation of appointment with all attendant service benefits and continuity of service.

4. A perusal of the counter filed by the respondents revealed that all the petitioners were appointed as Part Time Sweepers without following proper procedure laid down by the Tamil Nadu Service Rules. The appointment in the basic service, which is governed by the Tamil Nadu Basic Service Rules, states that for the post of Sweeper, the mode of appointment has been clearly defined with reference to Rule No.1 Constitution Rule, Rule No.2 Appointing authority, Rule No.3 Appointment, Rule No.3A Reservation of Appointments and Rule No.4 Selection of direct recruits. These rules were not followed while appointing the petitioners as part time sweepers. They were paid consolidated salary from the contingency fund allotted for the office. Therefore, the appointment is not regular or direct appointment. The Government Orders referred by the petitioners are applicable only to the incumbents who were appointed with reference to the Tamil Nadu Basic Service Rules.



W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

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7. Therefore, this Writ Petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

03.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

G.K.ILANTHIRAIYAN. J.

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 09.
- 3.The Chief Educational Officer,
Vellore-District.
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W.P.Nos.845, 846, 849, 850, 851, 853 and 855 of 2022

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