



W.P. No.26686 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HONOURABLE **Mr. JUSTICE MOHAMMED SHAFFIQ**

W.P. No.26686 of 2010
and M.P.No.1 of 2013

E.Shyamala

.. Petitioner

Versus

- 1.The State of Tamil Nadu
rep. by Secretary,
Education Department,
Fort St. George,
Chennai.
2. The District Collector,
Villupuram District.
3. The Block Development Officer,
Mailam Panchayat Union,
Villupuram District.
4. The Head Master,
Panchayat Union Middle School,
Vemboondi, Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus to direct the first respondent to grant
permission to the third respondent to appoint one post of Sanitary Worker in
the Panchayat Union Middle School, Vempoondi, Pelakuppam Post,



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Tindivanam Taluk,Villupuram District, consequently direct the third respondent to appoint the petitioner as Sanitary Worker on permanent basis with all monetary and service benefits.

For Petitioner : Mr.K.M.Ramesh
Senior Counsel
for Mr.S.Apunu

For Respondents : Mr.M.Rajendiran
Additional Govt. Pleader for R1&R4

Mr.Abishek Murthy
Government Advocate for R2 & R3

ORDER

The present writ petition is filed for issuance of a writ of mandamus to direct the first respondent to grant permission to the third respondent to appoint one post of Sanitary Worker in the Panchayat Union Middle School, Vempoondi, Pelakuppam Post, Tindivanam Taluk,Villupuram District and consequently direct the third respondent to appoint the petitioner as Sanitary Worker on permanent basis with all monetary and service benefits.

2. Today when the matter was taken up for hearing, the learned counsel appearing for the petitioner would submit that the prayer in this writ petition would be confined to directing the respondents to pay the petitioner



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for the services rendered as Sweeper during the period from 2008 to 2017.

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3. It was submitted by the learned Additional Government Pleader appearing for R1 and R4 that there is no material to suggest that the petitioner was ever engaged by the fourth respondent school.

4. It is a disputed question of fact as to whether was engaged as Sweeper in the fourth respondent school during the period from 2008 to 2017. Examination of disputed questions of fact is an exercise which is normally beyond the realm of Article 226 of the Constitution. The petitioner would seek liberty to submit a representation to the respondents along with the relevant materials. The learned counsel for the respondent would submit that if such representation is made the same would be considered and appropriate order would be passed.

5. In view thereof, the petitioner is granted liberty to submit a representation along with the required documents in support of her case that she was engaged during the relevant period i.e., 2008-17, to the second respondent within a period of four weeks and thus entitled to salary / wages from the date of receipt of a copy of this order. On receipt of the same the



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second respondent shall after affording the petitioner a reasonable opportunity would complete the enquiry and pass orders if any salary / wages is found due to the petitioner pursuant to the above exercise, the same shall be disbursed within a period of eight weeks from the date of receipt of representation from the petitioner.

6. With the above direction, this Writ Petition is disposed. No costs.

Connected miscellaneous petition is closed.

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Index:Yes / No

Speaking order / Non speaking order

Neutral Citation Case: Yes / No

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To:

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State of Tamil Nadu
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MOHAMMED SHAFFIQ, J.

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