



W.P.No.24696 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.24696 of 2014
and M.P.No.1 of 2014

K.Shenbagavalli

.. Petitioner

Vs.

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

2. The Director of School Education,
College Road, Chennai 600 006.

3. The District Educational Officer,
Erode.

4. The Correspondent,
C.S.I.Boys Higher Secondary School,
Erode -1

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus,



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calling for the records relating to the order passed by the 3rd respondent in his proceedings in Na. Ka. A. 5278/A5/2013 dated 12.8.2013 and quash the same and consequently direct the respondents to approve the petitioner's appointment as Part Time Scavenger in 4th respondent school from the date of her appointment and to pay all the service and monetary benefits within stipulated time.

* * *

For Petitioner : Mr.T.A.Ebenezer
For Respondents
1 to 3 :Ms.P.Rajarajeswari
Government Advocate

For Respondent-4: Served – No appearance

ORDER

The petitioner seeks to quash the order passed by the third respondent rejecting the petitioner's request to approve her appointment as part time scavenger in the fourth respondent-School on the ground that there is no Government order to regularize part time employees.



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2. The facts which have preceeded this impugned order are as follows:

The petitioner was appointed as a part time scavenger on 01.12.2012 in the 4th respondent School in a sanctioned post in the vacant seat due to the dismissal of the earlier part time scavenger. Immediately after her appointment, the appointment order was sent to the third respondent by the 4th respondent seeking approval of her appointment. The petitioner has also sent a representation on 02.07.2013. This representation invited the impugned order.

3. Heard the learned counsels and perused the materials available on record.



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4. Admittedly, the petitioner has been appointed in the vacancy that had arisen in the post of a part time scavenger on account of the dismissal of the earlier part time scavenger. The 4th respondent's school has also forwarded the above appointment with all attendant documents for the approval of the third respondent on 13.02.2013. Since there was no response, the petitioner has also sent a reminder on 02.07.2013. The request for approving the appointment has been rejected by a two line order that too contending that there is no government order for regularizing a part time employee. The very order speaks of the total non-application of mind on the part of the third respondent. The request that has been forwarded to the third respondent is to approve the appointment and not to regularize her services. It is seen that by his proceedings dated 10.10.2012 in Na.Ka.No.8960/A2/2012, the Principal District Educational Officer, Erode had issued orders for staff fixation for higher secondary schools. One of the posts that has been sanctioned is that of a scavenger (part



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time). Therefore, the appointment of the petitioner is to a sanctioned post and the 4th respondent and the petitioner only seeks to have the appointment approved by the authority. The third respondent in their counter had stated that the Government had permitted the aided schools to fill up the post of watchman, sweeper etc. through outsourcing and expenditure has to be borne by the respective schools. This runs contrary to the staff fixation orders passed by the Principal District Educational Officer on 10.10.2012.

5. Therefore, the Writ Petition is allowed. The impugned order passed by the third respondent dated 12.08.2013 is quashed. The respondents are directed to approve the appointment of the petitioner within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes

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To

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