



WP.No.28348 of 2024

In the High Court of Judicature at Madras

Dated : 25.10.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.28348 of 2024

P.Dhivya, Graduate Assistant
(B.T.Assistant), Panchayat
Union Middle School, Ellupalayam
Pudur, Koduvai Via, Kundadam
Panchayat Union, Tiruppur District.

...Petitioner

Vs

1.The Director of Elementary
Education, College Road,
Chennai-6.

2.The District Educational
Officer, Dharapuram Education
District, Dharapuram,
Tiruppur District.

3.The Block Educational Officer-
II, Kundadam Panchayat Union,
Kundadam, Tiruppur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to regularize the service of the petitioner from the date of initial appointment (i.e) 15.9.2010 instead from the date of reappointment (i.e) 20.7.2012 and grant all consequential benefit with seniority including selection grade in the post of B.T. Assistant (Maths) with arrears of pay.



WP.No.28348 of 2024

For Petitioner : Mr.R.Saseetharan
For Respondents : Mrs.S.Mythreye Chandru, SGP

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ORDER

This writ petition has been filed seeking for the issuance of a Writ of Mandamus to direct the respondents to regularize the services of the petitioner from the date of her initial appointment i.e on 15.9.2010 instead of regularizing the services from the date of reappointment i.e on 20.7.2012 and to grant all consequential benefits.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is as follows :

(i) The petitioner applied for appointment to the post of B.T. Assistant. The first respondent, through proceedings dated 07.9.2010, informed the petitioner that she was selected to the said post. Thereafter, the petitioner was posted as B.T.Assistant (Maths) at a panchayat union middle school.

(ii) The grievance of the petitioner is that the District Elementary Educational Officer, Tirupur, by order dated 14.2.2011, cancelled the appointment given to the petitioner. Aggrieved by that, earlier, the



WP.No.28348 of 2024

petitioner filed W.P.No.4292 of 2011 before this Court, in which, an interim order was also granted in favour of the petitioner on 24.2.2021 and it was subsequently extended on 27.4.2011. The said writ petition ultimately came up for final hearing on 30.9.2011 and a learned Single Judge of this Court allowed it after holding that the order dated 14.2.2011 was passed without affording an opportunity to the petitioner. As a consequence, the order dated 14.2.2011 was set aside and a direction was given to the respondents to permit the petitioner to rejoin the service.

(iii) Pursuant to the said order dated 30.9.2011, the second respondent provided reappointment to the petitioner, her services were regularized only with effect from 20.7.2012 and the probation was declared only on 19.7.2014.

(iv) According to the petitioner, the regularization should have taken place only with effect from 15.9.2010 since this Court had interfered with the order cancelling the appointment of the petitioner. Instead, the date of regularization has been taken from the date of reappointment. The petitioner made representations to the respondents seeking for regularization from the date of initial appointment. Since it did not evoke any response, the present writ petition has been filed before this Court.



WP.No.28348 of 2024

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. In the considered view of this Court, when the District Elementary Educational Officer, Tirupur passed the order dated 14.2.2011 and the same was interfered with and set aside by this Court, the regularization has to take place only from the date of initial appointment. Once the order is interfered by this Court, the earlier order passed by the District Elementary Educational Officer, Tirupur pales into insignificance.

6. In the light of the above discussions, there shall be a direction to the petitioner to make a fresh representation to the second respondent forthwith along with all the relevant documents and a copy of this order. On receipt of such a fresh representation, the second respondent shall deal with the same on its own merits and in accordance with law and in line with the observations made by this Court in this order and pass necessary orders within a period of six weeks from the date of receipt of such a representation.



WP.No.28348 of 2024

7. The writ petition is disposed of with the above directions. No costs.

25.10.2024

To

- 1.The Director of Elementary Education, College Road, Chennai-6.
- 2.The District Educational Officer, Dharapuram Education District, Dharapuram, Tirupur District.
- 3.The Block Educational Officer-II, Kundadam Panchayat Union, Kundadam, Tiruppur District.

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WP.No.28348 of 2024

N.ANAND VENKATESH,J

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W.P.No.28348 of 2024

25.10.2024