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Writ Petition No.28928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28928 of 2024

and

W.M.P.No.31571 of 2024

A.Sivaraj
S/o.P.Arumugam

... Petitioner

Vs.

- 1.State of Tamilnadu
represented by its Secretary,
Higher Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai - 600 025.
- 3.The Director,
Directorate of Sugars,
No.690, Periyar EVR Building,
Anna Salai, Nandanam,
Chennai - 600 035.
- 4.The Principal,
Dharmapuri District Cooperative
Sugar Mills Polytechnic College,
Now Government Polytechnic College,
Palacode, Dharmapuri District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to absorb the petitioner, who is working as a Skilled Assistant in the Mechanical Department on daily wages in the Government Polytechnic College, Dharmapuri, within the 20 lab assistant posts sanctioned by G.O.Ms.No.26, Higher Education B2 Department, dated 30.01.2018 as regular lab assistant on time scale of pay in the fourth respondent polytechnic college with effect from the date 01.02.2018 with all attendant benefits.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.K.Surendran
Additional Government Pleader
[R1, R2 & R4]
Mr.P.Balathandayutham
Special Government Pleader [R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents 1 and 2 to absorb the petitioner as a regular Lab Assistant on time scale of pay in the fourth respondent Polytechnic College.

2. Heard Mr.R.Ezhilarasan, learned Senior Counsel for



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petitioner, Mr.K.Surendran, learned Additional Government Pleader appearing for respondents 1, 2 and 4 and Mr.P.Balathandayutham, learned Special Government Pleader appearing for third respondent.

3. The case of the petitioner is that he is working as Lab Assistant in the fourth respondent Polytechnic College. Originally, this college was managed by the Dharmapuri District Cooperative Sugar Mills Limited, Palacode. Thereafter, the college was brought within the control of the Government and it was converted into a Government Polytechnic College.

4. The petitioner was recruited in the fourth respondent college in the year 2016 as a Skilled Assistant. According to the petitioner, this recruitment was made after calling for applications and in accordance with the guidelines fixed by AICTE. The petitioner was only paid daily-rated wages.

5. The further case of the petitioner is that a resolution was passed by the college to the effect that all the staff, who are working on a consolidated pay on a daily wages, must be absorbed into the



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Government Polytechnic College. This recommendation was also forwarded by the third respondent to the second respondent. The second respondent did not take any decision in this regard.

6. In the mean time, the first respondent issued G.O.(Ms) No.26, dated 30.01.2018, wherein sanction has been given for 20 skilled/lab assistant posts. According to the petitioner, he is eligible for being considered since he possesses all the necessary qualification and experience. However, without considering the claim made by the petitioner, an attempt was made by the fourth respondent to terminate the service of the petitioner. It is under these circumstances, the present writ petition has been filed before this Court seeking for appropriate direction.

7. Taking into consideration the facts and circumstances of the case and based on the materials placed before this Court, there shall be a direction to the petitioner to submit a fresh representation to the first respondent along with all the relevant records and also a copy of this order. A copy of the representation shall be marked to respondents 2 and 3. The first respondent shall take a decision on the claim made by the petitioner within a period of twelve (12) weeks from the date of receipt of



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a copy of this order. Till a final decision is taken by the first respondent,
the present *status quo* shall be maintained.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1.The Secretary,
Higher Education Department,
Fort St.George, Secretariat, Chennai - 600 009.

2.The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai - 600 025.

3.The Director,
Directorate of Sugars,
No.690, Periyar EVR Building,
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4.The Principal,
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N.ANAND VENKATESH, J

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