



Writ Petition No.30363 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 17.10.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.30363 of 2024**

P.Palanisamy

S/o.Late Ponna Gounder

... Petitioner

Vs.

1.The State of Tamilnadu

represented by its

Principal Secretary to Government,

School Education Department,

Secretariat, Chennai - 600 009.

2.The Director of the State Council

of Educational Research and Training,

College Road, Nungambakkam,

Chennai - 600 006.

3.The Directorate of School Education,

Kilpauk, Chennai - 600 006.

4.The Accountant General,

Teynampet, Chennai - 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.159, dated 13.10.2014 issued by the first respondent by regularizing the petitioner service period between 04.06.1979 and 28.04.1981 for the purpose of extending the service



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benefits like increment, selection grade, special grade etc., by considering the petitioner's representations dated 19.09.2021, 18.04.2023 and 17.04.2024.

For Petitioner : Mr.N.Manoharan

For Respondents : Mrs.P.Rajarajeshwari,  
Government Advocate [R1 to R3]  
Mrs.J.Sreevidya, Standing Counsel [R4]  
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### **ORDER**

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to extend the benefit of G.O.Ms.No.159, dated 13.10.2014 issued by the first respondent by regularizing the services of the petitioner between 04.06.1979 and 28.04.1981 for the purpose of extending the service benefits like increment, selection grade, special grade etc., by considering various representations made by the petitioner in this regard.

2. Heard Mr.N.Manoharan, learned counsel appearing for petitioner, Mrs.P.Rajarajeshwari, learned Government Advocate appearing for respondents 1 to 3 and Mrs.J.Sreevidya, learned Standing Counsel appearing for fourth respondent.



3. The petitioner was appointed as a Post Graduate Assistant in the school education department in the year 1979. The petitioner completed his probation on 03.06.1981. Later, the petitioner was promoted as Senior Grade Lecturer in the year 2000 and he was further promoted and posted as per the DIET on 29.06.2000. Ultimately, the petitioner reached the age of superannuation on 30.06.2008.

4. The further case of the petitioner is that the Government of Tamilnadu introduced Special Rules on 28.04.1981, but, it was given retrospective effect from 01.07.1978. As per the Special Rules, the Post Graduate Assistant should possess B.T. or B.Ed qualification, whereas, the petitioner did not possess the B.Ed qualification when he was appointed in the year 1979.

5. Writ Petitions came to be filed before this Court and pursuant to the orders passed by this Court, the first respondent issued G.O.(Ms) No.239, dated 20.09.2012 to regularize the services rendered by Post Graduate Assistants, who were appointed in the year 1978-1979 by giving relaxation to the concerned rule. The same came to be challenged on the ground that the Government ought not to have restricted only to those persons appointed in the year 1978-1979.



6. The writ petition filed in W.P.No.34296 of 2012 was allowed and the Government Order was quashed insofar as restricting the benefit to the Post Graduate Assistants appointed during 1978-1979 and the respondents were directed to regularize the service of the Post Graduate Assistants from the date of their initial appointment with all attendant benefits. In view of the same, the benefit of regularization was extended to the Post Graduate Assistants, who were appointed between 01.07.1978 and 28.04.1981, through the letter issued by the third respondent dated 26.06.2014.

7. The grievance of the petitioner is that he has already submitted representations to the third respondent on 27.04.2015 and 12.12.2018 and even thereafter, the petitioner had sent representations in the years 2019 and 2020. Ultimately, the second respondent, through communication dated 02.09.2021, directed the petitioner to submit his application in triplicate form. Accordingly, the petitioner submitted the same on 19.09.2021 to the third respondent. Since the same did not evoke any response, subsequent representations were made by the petitioner. There was no response from the third respondent and as a result, the present writ petition came to be filed before this Court.



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8. Taking into consideration the facts and circumstances of the case and the relevant Government Order and the letter issued by the third respondent dated 26.06.2014, there shall be a direction to the third respondent to deal with the representation made by the petitioner on 17.04.2024 on its own merits and in accordance with law and in line with the relevant Government Order and the letter issued by the second respondent dated 02.09.2021 and appropriate orders shall be passed within a period of eight (8) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs.

**17.10.2024**

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order  
gm



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**N.ANAND VENKATESH, J**

gm

To

- 1.The Principal Secretary to Government,  
School Education Department,  
Secretariat, Chennai - 600 009.
- 2.The Director of the State Council  
of Educational Research and Training,  
College Road, Nungambakkam,  
Chennai - 600 006.
- 3.The Directorate of School Education,  
Kilpauk, Chennai - 600 006.
- 4.The Accountant General,  
Teynampet, Chennai - 600 018.

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