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W.P.No.30425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30425 of 2024

M.Anbalagan,
Formerly Assistant Professor in Tamil,
Government Arts & Science College,
Veppampattai,
Perambalur District – 621 116.

.. Petitioner

Vs.

1.The Secretary to Government,
Higher Education Department,
Fort St George, Chennai – 600 009.

2.The Director of College Education,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle his retirement benefits by taking into consideration the services rendered by him from 09.07.2009 to 31.07.2024 and grant all applicable pensionary benefits within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Surendran
Additional Government Pleader

ORDER



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This writ petition has been filed for the issue of writ of mandamus directing the respondents to settle the retirement benefits to the petitioner for the services rendered by him from 09.07.2009 to 31.07.2024 based on the representation given by the petitioner on 26.06.2024.

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

3.The case of the petitioner is that he participated in the selection to the post of Assistant Professor by virtue of the Notification issued by the Teachers Recruitment Board (TRB) during 2008-2009. He was not selected and aggrieved by the non-selection, the petitioner approached this Court and filed W.P.No.12680 of 2009. The writ petition was disposed of by directing the Board to award five marks for the teaching experience. Inspite of awarding 5 marks, the petitioner did not come within the zone of selection.

4.Aggrieved by the same the petitioner once again filed writ petition in W.P.No.21563 of 2010 seeking for awarding marks for the books and articles published by him. The writ petition was disposed of



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by order dated 16.10.2011 and five marks was directed to be awarded to the petitioner. The same was also confirmed by the Division Bench of this Court in W.A.No.1642 of 2007.

5.Ultimately, the petitioner was selected and appointed in the year 2012 and his services were regularized with effect from 12.12.2012 as per G.O.Ms.No.214, dated 18.12.2014.

6.The petitioner was aggrieved by the fact that his appointment was delayed till the year 2012 not because of his fault and therefore, he was seeking for the regularizing his service from the year 2009 onwards. Since the same was not considered, the petitioner once again knocked the doors of this Court by filing W.P.No.7919 of 2015. This writ petition was disposed of by an order dated 06.01.2023 whereby, this Court directed that the regularization of the petitioner must be fixed with effect from 09.07.2009 in the cadre of Assistant Professor (Tamil).

7.The said order was not complied with. Hence, a contempt petition was filed and during the pendency of the same, G.O.(2D).No.8, dated 30.05.2024 was issued by regularizing the services of the petitioner



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notionally from 09.07.2009. The petitioner attained superannuation on 31.07.2024.

8.The petitioner made a detailed representation dated 26.06.2024 to the respondents to grant him the benefits arising out of his regularization of services from 09.07.2009 and other attendant monetary benefits and consequential increments. Since, the representation made by the petitioner did not evoke any response, the present writ petition has been filed before this Court.

9.Taking into consideration the facts and circumstances of the case and the materials placed before this Court and the nature of grievance that has been expressed by the petitioner, there shall be a direction to the respondents to deal with the representation made by the petitioner on 26.06.2024 on its own merits and in accordance with law and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

10.The petitioner is directed to make a fresh representation to the



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respondents along with all the relevant documents and also a copy of this order.

11.In the result, this Writ Petition is disposed of with the above directions. No costs.

18.10.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The Secretary to Government,
Higher Education Department,
Fort St George, Chennai – 600 009.

2.The Director of College Education,
Chennai.

N.ANAND VENKATESH, J.



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