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Writ Petition No.30807 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.30807 of 2024

K.Saraswathi
W/o.Hariharan

... Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Government Examinations,
Directorate of Government Examinations,
College Road, Chennai - 600 006.
- 3.The Deputy Director (Administration) of
Government Examinations,
Directorate of Government Examinations,
College Road, Chennai-6.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records connected in Letter No.2668/G.E/2023-9, dated 11.08.2023 passed by the first respondent to quash the same and consequently direct the respondents to extend the benefits of G.O (1D) No.286, School Education (GE.1) Department, dated 19.07.2016, G.O (1D) No.238, School Education (Nee.Va.4(2)) Department, dated 07.04.2017, G.O (Pa) No.72, School Education (G.E) Department, dated 28.02.2019 and G.O



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(2D) No.125, School Education (G.E) Department, dated 08.08.2024 to the petitioner for regularisation from the date of proposal (i.e.,) 03.11.1998 onwards or at least from the date of completion of 10 years of service from 03.08.1997 on par with similarly placed persons and also grant pension and pensionary benefits to the petitioner from the date of retirement based on the order of the Hon'ble Division Bench of this Court in W.A.No.1458 of 2019, dated 20.01.2023.

For Petitioner : Mr.S.N.Ravichandran
for Mr.K.Arumugam

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 11.08.2023 and for a consequential direction to regularize the services of the petitioner from the date of proposal or at least from the date of completion of 10 years of service on par with similarly placed persons and to extend the attendant benefits.

2. Heard Mr.S.N.Ravichandran, learned counsel for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader appearing for respondents.



3. The issue that has been raised in this writ petition is squarely covered by the earlier order passed by this Court in W.P.Nos.20250 of 2021 *etc.* batch, dated 20.02.2024. The relevant portions are extracted hereunder:

"7. In W.A.No.1458 of 2019 dated 20.01.2023 [M.Shanmugam Vs. Government of Tamil Nadu], a Division Bench of this Court has held that the relief has been given by directing the respondents to regularise the services of the similarly placed persons w.e.f. 10 years of service from the date of their initial appointment.

8. Even though the respondents had relied on the judgment of the Full Bench of this Court and the guidelines issued therein, the facts of the petitioners are slightly different in terms of their entitlement for appointment. As per G.O.(Ms) No.22, P&AR Department, dated 28.02.2006, the employees who have working in all Government Departments on daily wages and who have completed 10 years of service as on 01.01.2006 will be regularised. So far as these petitioners are concerned, they had completed 10 years of service as on 10.08.1997, 25.05.1997, 13.07.1997 and 22.05.1997 respectively itself. However they were regularised only from 20.10.2006 which is subsequent to the issuance of G.O.(Ms.)No.203, School Education (V1) Department, dated 19.10.2006.

9. The petitioners' were absorbed only in view of the scheme of the Government made in G.O.(Ms) No.22, P&AR Department, dated 28.02.2006 by considering the petitioners' completion of 10 years of service. The date on which they have to be absorbed in the regular employment would relate back to the date on which the petitioners complete 10 years of service and not from the date of issuance of the Government Order or from any future dates. The same logic has been applied to the similarly placed persons, who have been given with the benefit of getting their past services to be regularised from the completion of 10 years of service and the petitioners alone cannot be deprived of the same.

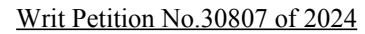


10. The petitioners had made a representation to regularise their services from the date of completion of 10 years of service and that had been rejected on 21.12.2020 by the 3rd respondent by citing the judgment of the Full Bench of this Court rendered in Kaliyamoorthy's case stated supra.

11. As stated already, the petitioners' case is slightly different in terms of their entitlement for appointment. Since the entitlement of the petitioners to get regularised relates back to their completion of 10 years of service as on 10.08.1997, 25.05.1997, 13.07.1997 and 22.05.1997 respectively, the regularisation should be given w.e.f. the said date and not from the date of issuance of G.O.(Ms.) No.203, School Education (V1) Department, dated 19.10.2006.

In view of the above stated reasons, these Writ Petitions are allowed and the orders passed by the 3rd respondent dated 21.12.2020 is quashed and the 3rd respondent is directed to issue fresh orders to regularise the services of the petitioners w.e.f. the date of completion of 10 years of service, within a period of six (6) weeks from the date of receipt of a copy of this order."

4. The grievance expressed by the petitioner can also be dealt with in line with the above order. In view of the same, this writ petition is allowed and the impugned order passed by the first respondent dated 11.08.2023 is hereby quashed. There shall be a direction to respondents to verify the service records of the petitioner and issue fresh orders regularizing the services of the petitioner with effect from the date of completion of ten years of service with all attendant benefits. Necessary proceedings shall be issued in this regard within a period of twelve (12)



This writ petition is allowed with the above directions. No

30.10.2024

Index: Yes/no

Speaking Order/Non-Speaking Order

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Government Examinations,
Directorate of Government Examinations,
College Road, Chennai - 600 006.
3. The Deputy Director (Administration of
Government Examinations),
Directorate of Government Examinations,
College Road, Chennai-6.



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N.ANAND VENKATESH, J

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