



WP(MD) Nos.4357, 4359, 4361, 4364, 4365, 4367, 4369, 4371, 4373, 4374, 4378, 4381, 4385, 4387, 4388, 4390 and 4391 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

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THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)Nos.4357, 4359, 4361, 4364, 4365, 4367, 4369, 4371, 4373, 4374, 4378, 4381, 4385, 4387, 4388, 4390 and 4391 of 2021

W.P.(MD)No.4357 of 2021

Bhuvaneswari

... Petitioner

Vs.

1.The Principal Secretary to Government,
Backward Classes / Most Backward Classes /
Minorities and Do-Notified Welfare Department,
Secretariat , Chennai -9.

2.The Director of Backward Classes
and Minority Welfare, Ezhilagam,
Chepauk, Chennai - 05.

3.The District Backward Classes and Minorities,
Welfare Officer, District Collector Office,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned order passed by the 2nd respondent in Pi1/4739/2020 dated 23/09/2020 and quash the same and consequently direct the 2nd respondent to regularize the petitioner's service as cook on completion of 5 years of service from the date of the initial appointment in the light of the G.O.Ms.No.19/BC/MBC and Minorities Welfare Department dated 07/03/2008 or on par with the other similarly placed persons with all attendants benefits.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.V.Om.Prakash,
Government Advocate.

COMMON ORDER

As the issue that arise for consideration in all these batch of Writ Petitions is one and the same, they are heard together and are being disposed of by this common order.

2. All the petitioners in these batch of Writ Petitions were appointed as Cooks in the Government (BC & MBC) Hostels in Thanjavur District and their services have been regularised in the year 2007 that is after lapse



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of about 9 years and above. The petitioners, having got their services regularised on different dates, made a claim before the respondents requesting for regularization of their services on completion of five years of temporary service in terms of G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare Department dated 07.03.2008. The said claim of the petitioners was rejected by the respondents by issuing the respective impugned orders in these batch of Writ Petitions. Aggrieved by the said orders rejecting their claim for regularization on completion of five years of service, the petitioners approached this Court by filing the present Writ Petitions.

3. It is brought to the notice of this Court by the learned counsel for the petitioners that the very same issue has fallen for consideration before the learned single Judge of this Court in W.P.(MD)Nos.10603 of 2020 and batch. The learned single Judge having examined the matter thoroughly allowed the Writ Petitions directing the respondents to regularize the services of the petitioners therein by duly taking into account para-4(அ) (ஆ) of G.O.Ms.No.19, dated 07.03.2008. The operative portion of the said



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order reads as under:

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“18. This Court feels that the impugned orders would not be sustained in view of the import of G.O.Ms.No.19 as discussed above. In that view of the matter, this Court has no hesitation to hold that the impugned orders are unsustainable and therefore, they are liable to be set aside.

19. Resultantly, this Court is inclined to pass the following orders:-

“that the respective impugned orders, dated 15.06.2020 passed by the first respondent, in each of the case, are hereby quashed. All these matters are remitted back to the respondents, especially, the first respondent, for reconsideration. While reconsidering the same, the first respondent shall take into account Para-4(m)(M) of G.O.Ms.No.19, dated 07.03.2008 and accordingly, pass necessary orders extending the benefit provided under the said G.O., for regularisation of the service of the petitioners for notional purpose from 1st April of the next year falls after completion of 5 years service, respectively, for each of the petitioners, from the date of their appointment. The aforesaid exercise shall be undertaken by the respondents, especially, the first respondent, within a period of eight weeks from the date of receipt of a copy of this order.”



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4. In the light of the above order, the learned counsel for the petitioners contended that all these petitioners herein are similarly situated like the petitioners in the said batch of Writ Petitions and hence, the issue raised in these Writ Petitions is also squarely covered by the said order passed in the batch of Writ Petitions supra.

5. Though the learned Government Advocate is tried to contend that the said order, passed in the above batch of Writ Petitions, has no application, the said submission does not sustain as the learned Single Judge only directed the respondents therein to follow para-4(அ) (ஆ) of G.O.Ms.No.19, dated 07.03.2008. This Court has thoroughly gone through the order passed by the learned single Judge in the said batch of Writ Petitions and the claim of the petitioners herein and on examination of the entire matter and the facts and circumstances of the case on hand, this Court thoroughly convinced that the issues involved in the batch of these writ petitions is squarely covered by the order passed in W.P.(MD)No.10603 of 2020 and batch, dated 01.09.2020.



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6. It is also brought to the notice of this Court by the learned counsel for the petitioners that, under similar circumstances, the case of the similarly situated persons was considered for regularization in terms of G.O.Ms.No. 19 Backward, Most Backward Classes and Minorities Welfare Department dated 07.03.2008 and also placed a copy of the said proceedings vide ந.க.எண்.பிந2/14074/2020, dated 14.12.2021 before this Court.

7. In the light of the above, these batch of Writ Petitions are also disposed of in the same lines by passing the following order:

The respective impugned orders, dated 23.09.2020 passed by the second respondent, in each of the case, are hereby quashed. All these matters are remitted back to the respondents, especially, the second respondent, for reconsideration. While reconsidering the same, the second respondent shall take into account Para-4(அ)(ஆ) of G.O.Ms.No.19, dated 07.03.2008 and accordingly, pass necessary orders extending the benefit provided under the



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said Government Order, for regularisation of the service of the petitioners for notional purpose from 1st April of the next year falls after completion of 5 years service, respectively, for each of the petitioners, from the date of their appointment. The aforesaid exercise shall be undertaken by the respondents, especially, the second respondent, within a period of eight weeks from the date of receipt of a copy of this order.

8. With these directions, all these Writ Petitions are ordered as indicated above. There shall be no order as to costs.

08.03.2024

NCC : Yes/No
Index : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

vsm

To

- 1.The Principal Secretary to Government,
Backward Classes / Most Backward Classes /
Minorities and Do-Notified Welfare Department,
Secretariat , Chennai -9.
- 2.The Director of Backward Classes
and Minority Welfare, Ezhilagam,
Chepauk, Chennai - 05.
- 3.The District Backward Classes and Minorities,
Welfare Officer, District Collector Office,
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