



W.P.(MD)No.8979 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.8979 of 2021

and

W.M.P.(MD)No.6763 of 2021

C.Kaniraja

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai.

2.The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Compound,
College Road,
Chennai.

3.The Director of School Education,
O/o. the Director of School Education,
DPI Compound,
College Road,
Chennai.



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4.The State Project Director,
O/o. the State Project Director,
DPI Compound,
College Road,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fourth respondent vide his proceedings in ந.க.எண்.0161 / ஆ5 / 1E / ஒயக / 2021 dated 15.02.2021 and quash the same as illegal and consequently direct the respondents to regularize the services of the petitioner in the post of Special Educator taking into consideration of length of services of the petitioner with effect from the date on which the petitioner was appointed within the period that may be stipulated by this Court.

For Petitioner : Mr.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 15.02.2021, rejecting the petitioner's request for



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regularization of his service as Special Educator. The reason given for the rejection is that the Rules are yet to be framed for considering the petitioner's request.

2.In fact, this Court through its various orders including the order passed by this Court on **23.08.2024 in W.P.(MD)No.5715 of 2017**, in the case of **Association of B.T. & PGT IEDSS Special Teachers for Differently Abled Children Vs. State of Tamil Nadu and others** by following the earlier decisions directed the State Government to frame rules for regularization in respect of Government positions of Educators / Special Educators / Instructor for children with special needs by whatever name or nomenclature called in accordance with law.

3.Learned Counsel for the petitioner would submit that despite directions having been given, till date Rules are yet to be framed and due to the same, the petitioner's right for regularization in the service of Special Educator has been defeated.

4.Learned Government Advocate appearing for the respondents would submit that in due course, Rules will be framed and only thereafter, the petitioner's request can be considered in the light of the said rules. However, learned Counsel for the petitioner



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would submit that in view of the non-framing of the rules, the impugned order has to be quashed and if the impugned order is allowed to continue, there is possibility that in the future, even after the rules are framed, the respondents may not consider the petitioner's request for regularization. The submission made by the learned Counsel for the petitioner is found to be reasonable and acceptable to this Court. No prejudice will also be caused to the respondents if the impugned order is quashed and the petitioner is granted liberty to give a representation to the respondents once rules are framed by the respondents with regard to the government positions of Educators / Special Educators / Instructors for children with special needs by whatever name or nomenclature called.

5. Accordingly, the impugned order dated 15.02.2021 passed by the fourth respondent is hereby quashed and the writ petition is allowed and once the Government frames rules with regard to the government positions of Educators / Special Educators / Instructors for children with special needs by whatever name or nomenclature called, the petitioner is permitted to give a representation to the respondents and on receipt of the said representation, the respondents shall pass final orders on merits and in accordance with law as per the said Rules on the petitioner's representation seeking for regularization within a period of twelve



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[12] weeks from the date of receipt of a copy of the said representation from the petitioner. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

04.09.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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