



W.P.(MD).No.9723 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9723 of 2024

A.Maria Glory

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
 - 2.The Director of School Education,
College Road, Chennai.
 - 3.The District Elementary Educational Officer,
Nagercoil,
Kanyakumari District.
 - 4.The Block Educational Officer,
Karungal,
Kanyakumari District.
 - 5.The Correspondent,
St.Antony's Primary School,
Enayamputhanthurai,
Kanyakumari District.
- ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to regularize the service of the petitioner from the date of the petitioner's initial appointment that is from 03.06.1993 and to settle the monetary benefits from 03.06.1993 to 31.05.1995 and to include the said period for calculating the service and monetary benefits including the retirement benefits by considering the representation dated 25.02.2016 within a time that may be fixed by this Court.

For Petitioner : Mr.Aayiram K.Selvakumar
For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the respondent to regularize the service of the petitioner from the date of the petitioner's initial appointment that is from 03.06.1993 and to settle the monetary benefits from 03.06.1993 to 31.05.1995 and to include the said period for calculating the service and monetary benefits including the retirement benefits by considering the representation dated 25.02.2016.



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2. Heard Mr.Aayiram K.Selvakumar, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 4.

3. By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. Mr.Aayiram K.Selvakumar, learned counsel for the petitioner submitted that the petitioner who has joined duty on 03.06.1993 as Secondary Grade Teacher availed medical leave due to pregnancy from 26.09.1993 to 14.06.1994. After the delivery of the baby, the petitioner joined on 15.06.1994. The fifth respondent sent a proposal to the fourth respondent to approve the petitioner's appointment. On receipt of the proposal, the fourth respondent vide order dated 07.02.1995 approved the petitioner's appointment with effect from 03.06.1993. However, no salary was paid to the petitioner. When the petitioner again approached the authority concerned, an order was passed on 10.11.1995 regularizing the petitioner's appointment with effect from 01.06.1995 instead of



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03.06.1993. The petitioner has been working from 03.06.1993 to 31.05.1995 without any salary and the proposal was also sent during the said period. The petitioner sent a representation dated 27.11.2000 to the third respondent seeking for regularization and payment of arrears of salary from 03.06.1993. Since no action was taken, the petitioner sent yet another representation dated 25.02.2016. In pursuance thereof, the third respondent vide order dated 16.04.2016 instructed the fifth respondent to send the proposal through the Assistant Elementary Educational Officer. In the meantime, the petitioner also retired from service on attaining the age of superannuation on 30.06.2023.

5. The petitioner ought to have challenged the order of approval which had given with effect from 01.06.1995. Unless the petitioner claim that the appointment was approved from 03.06.1993, the petitioner cannot claim that she is entitled to get her salary from 03.06.1993 to 31.05.1995 through Government grant and hence her services ought to be regularized during the said period. Even though the petitioner has given a representation in this regard, no orders have been passed by the authorities concerned.



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6. Considering the facts and circumstances of the case, this Writ

Petition is **disposed of** with a direction to the respondents 1 to 4 to consider the petitioner's representation dated 25.02.2016 and pass orders on merits and in accordance with law. No costs.

23.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The District Elementary Educational Officer,
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R.N.MANJULA, J.

Nsr

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