



W.P.(MD).Nos.14778 & 14781 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.14778 & 14781 of 2020

and

W.M.P(MD)Nos.12432 & 12433 of 2020

W.P(MD)No.14778 of 2020:

S.Muthuvel

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of Elementary Education,
Nungambakkam,
Chennai-600 006.

3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Collectorate Campus,
Karur, Karur District.

4.The District Educational Officer,
O/o the District Educational Officer,
Karur, Karur District.

... Respondents



W.P.(MD).Nos.14778 & 14781 of 2020

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent vide his proceedings Na.Ka.No.1443/A3/2020, dated 16-09-2020 and quash the same as illegal and consequently direct the 4th Respondent to regularize the services of the petitioner as Secondary Grade Teacher w.e.f. 03-01-2002 as was granted in respect of the similarly placed persons vide G.O.Ms.No.143 School Education (S-2) Department dated 25-06-2007 and G.O.(3D).No.128 School Education (G2), Department dated 28-09-2011 within the period that may be stipulated by this Court.

W.P(MD)No.14781 of 2020:

S.Jeyalakshmi

Vs.

... Petitioner

- 1.The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
O/o the Chief Educational Officer,
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4. The District Educational Officer,
O/o the District Educational Officer,
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For Petitioner : Mr.Mohammed Suhail
for M/s.Ajmal Associates
(In both cases)

For Respondent : Mr.M.Sarangan
Additional Government Pleader
(In both cases)

ORDER

The present writ petitions have been filed to quash the impugned orders passed by the 4th respondent, dated 16.09.2020 and consequently direct the 4th respondent to regularize the services of the petitioners as Secondary Grade



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Teacher w.e.f. 03-01-2002 as was granted in respect of the similarly placed persons vide G.O.Ms.No.143, School Education (S-2) Department, dated 25-06-2007 and G.O.(3D).No.128, School Education (G2), Department dated 28-09-2011.

2. The petitioners have a qualification of Diploma in teacher education which is the required qualification for appointment to the post of Secondary Grade Teacher. They have registered their name in the District Employment Exchange, Karur on 04.11.1999. The post of Secondary Grade Teachers were filled up with reference to the District Employment Seniority at the relevant point of time. They have participated in certificate verification and their certificates were duly verified. Despite their seniority and qualification, they were not given appointment. Due to verification of their nativity certificate, they were not given appointment and subsequently, their nativity was found to be genuine.

3. Thereafter, the petitioners were appointed on 20.07.2004 and further regularized on 01.06.2006. However, in respect of similarly placed persons, the Government vide G.O.Ms.No.143, School Education (S2) Department,



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dated 25.06.2007 and G.O.(3D)No.128, School Education (G2) Department, dated 28.09.2011 regularized the services of the respective candidates with effect from 03.01.2002. The petitioners being similarly placed persons, were not given such benefits. Therefore, they made representation, dated 13.03.2020 requesting the respondents to regularize their services with effect from 03.01.2002. However, the representations came to be rejected by the impugned orders, dated 16.09.2020. Challenging the same, the present writ petitions came to be filed.

4. The learned counsel appearing for the petitioners produced an order passed by this Court in W.P(MD)Nos.5870 to 5872 of 2019, dated 13.03.2019. The petitioners in the aforesaid case were similarly placed persons and their representations were duly considered by the respondents and their services have already been regularized with effect from 03.01.2002. He also produced the proceedings by which they were regularized. In view of the same, he pressed for allowing the writ petitions.

5. The 4th respondent has filed a counter and the Additional Government Pleader submitted that the petitioners did not appear for certificate verification



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which was conducted in the year 2002 and hence, the delay was caused in the certificate verification and hence, they are not entitled for regularization with effect from 03.01.2002. That apart, he also insisted upon the delay of 18 years for the petitioner to approach this Court and pressed for dismissal of the writ petitions on the ground of laches.

6. Heard the learned counsel on either side and perused the material records.

7. The order passed by this Court in W.P(MD)Nos.5870 to 5872 of 2019, dated 13.03.2019 would reveal that the respondents have considered the representations of the petitioners in the aforesaid writ petitions, dated 28.11.2018 and had passed favourable orders. In the instant case, the petitioners have made a representation in similar lines on 13.03.2020 and since the respondents have already passed favourable orders, the question of laches would not arise. This Court hereby quash the impugned orders, dated 16.09.2020, fully fortified by the orders passed by this Court in W.P(MD)Nos. 5870 to 5872 of 2019, dated 13.03.2019 and the consequential proceedings of the District Educational Officer i.e., 4th respondent herein in favour of the



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petitioners therein in Na.Ka.No.2855/A3/2019, dated 24.03.2020 and consequently, direct the 4th respondent to regularize the services of the petitioners as Secondary Grade Teacher w.e.f. 03-01-2002. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

8. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.The Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of Elementary Education,
Nungambakkam,
Chennai-600 006.



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- 3.The Chief Educational Officer,
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L.VICTORIA GOWRI, J.

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