



W.P(MD)No.22918 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.22918 of 2022
and
W.M.P(MD)No.26798 of 2023

B.Prabu

... Petitioner

Vs.

1.The Chief Educational Officer,
Theni District.

2.The District Educational Officer,
Theni District.

3.The Secretary,
Z.K.M Hr.Sec. School,
Bodinayakkanur,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service, pay the salary from 01.02.2019 to 11.03.2019, and yearly increment from 01.07.2019 to him, within a time to be fixed by this Court.

For Petitioner : Mr.S.R.Suriyanarayanan



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For R-1 & R-2 : Mr.J.K.Jeyaseelan
Government Advocate

For R-3 : Mr.K.Prabhu

ORDER

This writ petition has been filed seeking for a Mandamus to the respondents to regularize the petitioner's service, pay the salary from 01.02.2019 to 11.03.2019, and yearly increment from 01.07.2019 to him.

2. The case of the petitioner is that the third respondent is a Private Aided School that comes within the purview of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and its Rules. The petitioner was appointed as a Record Clerk in the library of the third respondent School on 11.08.2017 and the appointment of the petitioner was approved on 21.02.2018. Initially, the petitioner was appointed as a Clerk in the year 2010 in the third respondent School under the Management salary. Later he was appointed as Record Clerk, considering his dedication and sincerity in the work. In such circumstances, the petitioner was suspended from service on 01.03.2019 by the Secretary of the School.



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3. Challenging the same, he filed a writ petition in W.P(MD)No.5525 of 2019 and obtained an order of interim stay on 08.03.2019 and joined the duty on 11.03.2019. Though the petitioner's service has to be regularized on 11.08.2020, citing pendency of the above said writ petition, the third respondent has not come forward to take steps for regularization. That apart, he has not paid the salary for the period from 01.02.2019 to 11.03.2019 and yearly increment from 01.07.2019. Hence, he made several request to the third respondent. In such circumstances, the present Secretary directed the petitioner to withdraw the above said writ petition in order to send papers for regularization, payment of salary and increment. Accordingly, on 28.02.2022 the petitioner withdrew the writ petition and approached the third respondent, but he has not turned up. Hence, the petitioner made a representation, dated 11.05.2022 to the third respondent, then District Collector and first respondent on 18.07.2022. Though the first respondent directed the third respondent by his letter, dated 07.09.2022, he has not come forward to do the same. Hence, the petitioner filed a writ petition in W.P(MD)No.22023 of 2022 before this Court and the same was disposed of on 19.09.2022 with liberty to file a fresh writ petition on the same cause of action for seeking the positive direction.



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Aggrieved by the same, the petitioner has come forward with the present writ petition.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the official respondents and perused the materials available on record.

5. The learned Counsel appearing for the petitioner submitted that he has given representation to the first respondent on 22.07.2022 to regularize the petitioner's service and paying the salary from 01.02.2019 to 11.03.2019 and yearly increment from 01.07.2019.

6. The learned Counsel appearing for the third respondent School submitted that the representation is not considered till date and as on date, there is no Secretary to the School. Hence, he request three months time to consider the representation of the petitioner.

7. In view of the above submission made by the learned Counsel appearing for the third respondent School, the third respondent is directed to



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consider the representation of the petitioner, dated 22.07.2022 on merits and in accordance with law and pass appropriate orders, within a period of three (3) months from the date of receipt of a copy of this order.

8. The writ petition stands disposed of with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.10.2024

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

To

- 1.The Chief Educational Officer,
Theni District.
- 2.The District Educational Officer,
Theni District.
- 3.The Secretary,
Z.K.M Hr.Sec. School,
Bodinayakkanur,
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