



W.P.(MD).No.21402 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.21402 of 2023

and

W.M.P.(MD)Nos.17807 of 2023 and 7520 of 2024

V.Madasamy

...Petitioner

Vs

- 1.The Principal Secretary to Government,
School Education Department,
Chennai.
- 2.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 9.
- 3.The Director,
Adi Dravidar Welfare and Tribal Department,
Chennai – 5.
- 4.The District Adi Dravidar Welfare Officer,
Tirunelveli,
Tirunelveli District.
- 5.The Headmaster,
Government Adi Dravidar Welfare,
Girls Higher Secondary School,
Nallammalpuram,
Tirunelveli District.

... Respondents



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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 in G.O.Ms.No.159 dated 13.10.2014 on the file of the first respondent and in Na.Ka.No.A1/16175/2019, dated 03.08.2023 on the file of the Director of Adi Dravidar Welfare, Chepauk, Chennai – 5, the third respondent herein and quash the same and consequently direct the respondents to regularize the period from 03.01.1983 to 21.01.1985 with all monetary benefits.

For Petitioner : Mr.J.Gunaseelan Muthiah

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.J.Gunaseelan Muthiah, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed seeking to quash the order in G.O.Ms.No.159 dated 13.10.2014 on the file of the first respondent and the proceedings in Na.Ka.No.A1/16175/2019, dated 03.08.2023 on the



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file of the third respondent and consequently direct the respondents to regularize the period from 03.01.1983 to 21.01.1985 with all monetary benefits.

3. Mr.J.Gunaseelan Muthiah, learned counsel for the petitioner submitted that the petitioner has been appointed as P.G.Assistant (Botany) and he joined in the year 1983 and on that point of time, he did not possess B.A., degree. Later, the Government Order in G.O.Ms.No. 159 School Education Department dated 13.10.2014 came to be passed, wherein in pursuant to the order passed by this Court in W.P.No.34296 of 2012 dated 28.11.2013, a decision has been taken to regularise the services of those persons who joined as B.T.Assistant from the academic year 1978-1979 to 1981-1982 in all Government and Government Aided Higher Secondary School without B.T. or B.Ed., qualification, but appointed as P.G.Assistant. The petitioner has joined in the year 1983.

4. The learned counsel for the petitioner submitted that the petitioner has been given with the appointment order during December 1982 itself and he has cleared his B.Ed., degree in the year 1985. So, it



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is claimed that the petitioner is also entitled to the benefit of G.O.Ms.No.159 dated 13.10.2014.

5. Mr.M.Siddharthan, learned Additional Government Pleader for the respondents submitted that the impugned order has rightly applied the terms of the Government Order in G.O.Ms.No.159 dated 13.10.2014 and has rightly rejected the request of the petitioner to regularize the period from 03.01.1983 to 21.01.1985. The scope of G.O.Ms.No.159 dated 13.10.2014 is explicit that it pertains to those appointments which have been made between the academic year 1978-1979 to 1981-1982. The academic year would start from 1st April to 31st May each year. So, the outer limit academic year 1981-1982 would start from 01.04.1981 to 31.05.1982. Since the petitioner's appointment fall beyond the above covered period, he is not entitled to get the benefit of G.O.Ms.No.159 dated 13.10.2014.

6. Since the impugned order has rightly invoked the above Government Order and rejected the claim of the petitioner, I do not find any reasons to interfere with.



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7. With the above observations, this Writ Petition stands

dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

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R.N.MANJULA, J.

Nsr

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