



W.A(MD)No.993 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A(MD)No.993 of 2017
and
C.M.P(MD)No.6793 of 2017**

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.
- 4.The District Educational Officer,
Kuzhithurai Educational District,
Marthandam,
Kanyakumari District.
- 5.The Headmaster,
Government Primary School,
Thottavaram,
Kanyakumari District.



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6.The Headmaster,
Government Primary School,
Palavilai,
Kanyakumari District.

7.The Assistant Educational Officer,
Munchirai,
Kanyakumari District.

...Appellants/Respondents

Vs.

C.Prem Singh,
Government Primary School,
Palavilai,
Kanyakumari District.

....Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order made in W.P(MD)No.4323 of 2012, dated 12.04.2012.

For appellants : Mr.A.K.Manikkam
Special Government Pleader

For Respondent : Mr.J.Bharathy Kannan

JUDGMENT

(Judgment of the Court was made by V.BHAVANI SUBBAROYAN,J.)

This Intra Court appeal is directed against the order passed by the Writ Court, dated 12.04.2012 in W.P(MD)No.4323 of 2012.



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2. The case of the petitioner is that he has been appointed as Watchman in the Government Primary School, Palavilai, Kanyakumari District on 25.08.2006 and he has been working in the said post for more than 33 years. He has made several representation to the respondents, including the latest one on 10.10.2011 seeking to regularize their services.

3. Since, no action has been taken by the respondents, the petitioner has filed a writ petition seeking for a direction to the respondents to regularize the services of the petitioners in the permanent post of full time Watchman with effect from his initial date of appointment in the regular time scale of pay with all attendant and monetary benefits.

4. The Writ Court, considering the various orders passed by the Writ Courts, Division Bench of this Court and the Hon'ble Supreme Court of India in the similar matters, directed the second respondent therein to regularize the services of the petitioners on their completion of ten years of service with time scale of pay and to pass suitable order for regularisation of the services of the petitioners within a period of four weeks from the date of receipt of a copy of the



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order. There was a further direction issued for payment of arrears of salary, payable to the petitioners pursuant to such regularisation within a period of four weeks therefrom.

5. Challenging the said order, though the appellants have filed this appeal raising various grounds in the memorandum of appeal, today when the writ appeal was taken up for hearing, learned Special Government Pleader appearing for appellants has produced the proceedings of the fourth appellant herein in Na.Ka.No.1201/(12)/A1/2012, dated 21.06.2013 and Moo.Mu.No.5767/A1/2013, dated 12.11.2013 and submitted that in compliance of the order passed by the writ Court, the services of writ petitioner were regularised with effect from 27.07.1999 in the post of full time watcher and therefore, nothing survives in this writ appeal for adjudication.

6. The learned counsel appearing for the respondent does not dispute the above said submission.



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WEB COPY 7. In view of the order of the regularisation passed in respect of the petitioner, nothing survives in this appeal for adjudication.

8. Hence, recording the proceedings in Na.Ka.No.1201/(12)/A1/2012, dated 21.06.2013 and Moo.Mu.No.5767/A1/2013, dated 12.11.2013 passed by the fourth respondent, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
18.03.2024

Index : Yes / No
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and
K.K.RAMAKRISHNAN, J.

am

JUDGMENT MADE IN
W.A(MD)No.993 of 2017

18.03.2024