



WEB COPY

W.A.No. 1447 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

**W.A.No. 1447 of 2025**

**and**

**C.M.P.No. 11016 of 2025**

1.The Secretary to Government,  
Personnel & Administrative  
Reforms (P) Department,  
Government of Tamil Nadu,  
Fort St.George, Secretariat,  
Chennai – 600 009.

2.The District Educational Officer,  
Sankari, Salem District.

...Appellants

Vs.

1.S.Selvam

2.The Management of Vaideeswara  
Higher Secondary School,  
Mettur Dam – 2, Salem District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 20.10.2023 made in W.P.No.17026 of 2020.



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For Appellants : Mr.U.M.Ravichandran

Special Government Pleader

For Respondents : Mr.V.Sivalingam

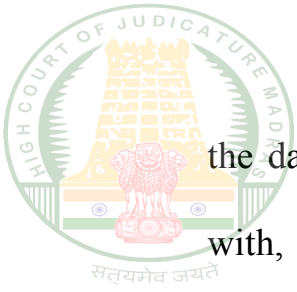
for M/s.C.S.Associates for R1

### **J U D G M E N T**

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We find that the order of the writ Court is a consequence of the lethargy on the part of the appellants.

2. The 1st respondent was appointed as a Record Clerk and his appointment was also approved. Subsequently, the appointment was sought to be re-called and he was terminated vide order dated 27.02.2004 on the sole ground that there was a ban on appointment when he was appointed on 05.06.2002. This order dated 27.02.2004 was subject matter of challenge in W.P.No.7946 of 2004, which was disposed of by this Court on 12.09.2007 with a direction to the respondents to re-engage him after recording the undertaking that the 1st respondent will not claim back wages. This Court directed the Governments to pass orders within a period of four weeks from



the date of the order dated 12.09.2007. The said order was not complied with, prompting the 1st respondent to file a second writ petition in W.P.No.34146 of 2013. The said writ petition was also disposed of on 17.12.2013 again with a direction to comply with the earlier orders within a period of four weeks. That order was also not complied within the time granted. However, the respondent was taken back in service some time in 2015.

3. The respondent therefore, filed the instant writ petition seeking a mandamus to regularize his service with continuity of service with the date of initial appointment namely, 05.06.2002. The writ Court, after taking into account the delay on the part of the Government held that the respondent though had forgone back wages, such undertaking would apply only if the Government had passed orders within four weeks from 12.09.2007. The Government having passed orders regularizing the services of the respondent only in 2015, in violation of the orders of this Court, cannot be heard to contend that the respondent would be bound by his undertaking.



4. If only the Government had regularized the services immediately after the orders of this Court dated 12.09.2007, there would have been no necessity for the present writ petition. The necessity for this writ petition itself arose only because of the non-compliance with the earlier orders of this Court. The writ Court has rightly granted the relief to the respondent.

5. We see no reason to interfere with the orders of the writ Court. This Writ Appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed. Eight weeks time is granted, from the date of receipt of a copy of this order, to comply with the orders of the writ Court.

(R.S.M., J.) (K.G.T., J.)  
13.06.2025

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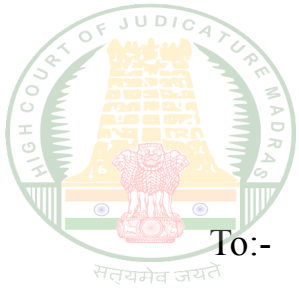
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Neutral Citation : No

**Note:- Issue order copy on 19.06.2025.**



To:-

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Personnel & Administrative  
Reforms (P) Department,  
Government of Tamil Nadu,  
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