



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 23924 of 2015

and

W.M.P.No.2 of 2015

Y.Andrew Durairaj
S/o.Yetti,
No.1, Gandhi Salai,
St. Columbus Higher Secondary School
Campus,
Chengalpattu, Kancheepuram District.

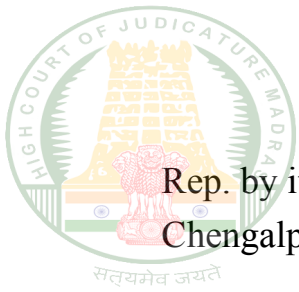
Petitioner(s)

Vs

1. State rep. by
Government of Tamilnadu,
Rep. by its Principal Secretary,
School Education Department, Fort St.
George, Chennai-9

2.The Director of School
Education,
DPI Campus, College Road, Chennai-6

3.The Management of
St. Columbus Higher Secondary
School,



Rep. by its Correspondent,
Chengalpattu, Kancheepuram District.

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Respondent(s)

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned order passed by the 1st respondent in G.O.(4D) No.9, Education Department, dated 04.06.2013 and consequential proceedings passed by the 1st respondent in his Letter No.31209/Nee.Va 1(2) 2013-14 dated 18.12.2014 quash the same in so far as prospective effect is concerned and further issue a direction, directing to the 1st respondent and fix a suitable pay scale and pay to the petitioner with retrospective effect either from the date of completion of 5 years service or from the date of initial appointment with all other attendant monetary service benefits.

For Petitioner : Ms.P.Mahalakshmi
For Respondent(s): Ms.Akila Rajendran
Government Advocate

ORDER

This writ petition has been filed challenging the order issued by the Government in G.O.Ms.No.(4D) No.9 School Education dated 04.06.2013 and consequential proceedings issued by the first respondent in letter No.31209/Nee.Va. 1(2) 2013-4 dated 18.12.2014, whereby the service of the petitioner in the post of night watchman in the 3rd respondent-School was



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regularized with effect from the date of issuance of the Government order dated 04.06.2013, contending that the petitioner is entitled for regularization of service from the date he completed 5 years of service from the date of initial appointment i.e., on 24.09.1996.

2. The basis for the claim made by the petitioner in this writ petition is an order passed by this Court in W.P.No.26793 of 2013 dated 27.09.2013. The operative portion of the said order, reads as under:

“4. Though mandamus is sought for a perusal of G.O.(4D) No.9, School Education Department, dated 04.06.2013, would itself reveal that the petitioner's initial appointment was on 24.09.1996 and as per G.O.Ms.No.517, dated 19.12.1997, the persons like petitioner is to be regularized on completion of five years of service. If five years is taken into consideration, the date of regularization should be on 24.09.2001, whereas, as per G.O.(4D) No.9, School Education Department, dated 04.06.2013, the petitioner was regularized on 04.06.2013, which is contrary to the G.O.Ms.No.517, dated 19.12.1997 and the order passed by this Court in W.P.No.16324 of 2012, dated 04.07.2012.

5. In view of that, the first respondent is directed to dispose of



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the petitioner's representation with regard to the petitioner's regularisation from the date of completion of his initial appointment on 24.09.1996, within eight weeks from the date of receipt of a copy of this order and in the light of the order passed by this Court in W.P.No.16324 of 2012, dated 04.07.2012.”

3. An appeal filed by the first respondent against the above order vide

W.A.No.1195 of 2014 was dismissed by the learned Division Bench of this Court, by an order dated 10.09.2014. Thus the above order passed in W.P.No.26793 of 2013 dated 27.09.2013 has attained finality. From the above extracted order, it is evident that the coordinate bench of this Court had made it clear that in terms of G.O.Ms.No.517, School Education Department, dated 19.12.1997, the services of the persons benefited under the said Government Order have to be regularised on completion of 5 years of service. Therefore, the petitioner herein is also entitled for regularisation of service from the date of completion of 5 years of service that is from 24.09.2001.

4. Having observed as above, this Court directs the respondents to



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consider the representation submitted by the petitioner for regularisation from the date of completion of 5 years or from the date of initial appointment i.e., on 24.09.1996. Considering the said representation of the petitioner, the impugned order dated 18.12.2014 came to be passed by the first respondent, rejecting the claim of the petitioner. This Court, as already noted that the date on which, the petitioner would complete 5 years of service as 24.09.2001. However, the respondents while considering the representation of the petitioner have stic to the stand as contained in G.O.(4D) No.9, School Education (SE 2) Department dated 04.06.2013. Thus, the impugned proceedings dated 18.12.2014 is directly in contravention of the order passed by this Court.

5. No doubt, as contented by Ms.Akila Rajendran, learned Government Advocate, this Court has observed vide its order dated 27.09.2013 in W.P.No.26793 of 2013, stating that as per the G.O.Ms.No.517 dated 19.12.1997, the persons like the petitioner was regularised on completion of 5 years of service. But, actually, the service of beneficiaries under G.O.Ms.No.517 dated 19.12.1997 were regularised only from the date of issuance of the respective



orders of regularisation, regularising the service, but not from the date on which they completed 5 years of service. Though this Court on verification of the

respective regularisation orders, convinced that the beneficiaries under G.O.Ms.No.517 dated 19.12.1997 were granted regularisation only from the prospective date, but not from the date of completion of 5 years of service, this Court is unable to deny the relief to the petitioner in the present writ petition as the rights of the petitioner has already crystallised as observed above.

6. In the light of the above, the impugned Government order dated 18.12.2014 cannot be sustained insofar as the regularising the services of the petitioner only with effect from 04.06.2013 and accordingly quashed to that extent and respondents are directed to regularise the service of the petitioner from the date on which, the petitioner had completed 5 years of service i.e., from 24.09.2001 and pass appropriate orders in this regard, within a period of two (2) months from the date of receipt of a copy of this order.



7. Accordingly, this Writ Petition is allowed. No costs. Consequently,
connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Rep. by its Principal Secretary,
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2. The Director of School
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