



WEB COPY

WP No. 5512 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

**CORAM
THE HON'BLE MR JUSTICE M.DHANDAPANI**

WP No. 5512 of 2024

1. M.Vijayakumar
2. A.Natarajan
3. K.Santhakumar
4. P.Masilamani
5. N.Gunasekaran
6. P.Ganesh
7. A.Murugesan
8. K.Velliangili
9. R.Periyasamy
- 10.T.Athavan
- 11.J.Gunasekaran
- 12.N.Ramesh

...Petitioner(s)

Vs

1. The Government Of Tamil Nadu,
Rep. By Its Secretary To Government,
Higher Education (C2) Department,
Secretariat, Chennai-600 009.
2. The Director Of Technical Education,
Chennai-600 025.

..Respondent(s)

This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the Letter No. Efile 1503/C2/2023-1, Higher



Education (C2) Department, Secretariat, Chennai-09 dated 08.11.2023 on the file of the First respondent and quash the same in so far as petitioners is concerned and consequentially directing the 1st respondents herein to consider their claim for regularization from date marker post sanctioned by the 1st respondent i.e. 04.12.1997 by way adhoc rule framed by the 1st respondent same was done by similarly placed persons (159 markers) vide G.O.(MS) No.347 and G.O.(MS) No.38 Higher Education (G-2) Department Dated 29.09.2006 and 06.03.2007 respectively and with all other consequential benefits.

For Petitioner(s): S.Mani

For Respondent(s): Mr.M.R.Gokul Krishnan,
Additional Government Pleader

ORDER

This writ petition is filed to call for the entire records which culminated in issuing the Letter No. Efile 1503/C2/2023-1, Higher Education (C2) Department, Secretariat, Chennai-09 dated 08.11.2023 on the file of the First respondent and quash the same in so far as petitioners is concerned and consequentially directing the 1st respondents herein to consider their claim for regularization from date marker post sanctioned by the 1st respondent i.e. 04.12.1997 by way adhoc rule framed by the 1st respondent same was done by similarly placed persons (159 markers) vide G.O.(MS) No.347 and G.O.(MS) No.38 Higher Education (G-2) Department Dated 29.09.2006 and 06.03.2007 respectively and with all other consequential benefits.



2. Learned counsel for the petitioners would submit that the petitioners were appointed as markers in the years 1985, 1988, 1989, 1992, 1996, 1997, 1998, 2005 & 2000, respectively. Thereafter, the marker post was sanctioned by the Government vide G.O.Ms.No.602, Higher Education (C1) Department dated 04.12.1997 and G.O.Ms.No.148, dated 28.08.2014 and qualification was fixed by way of adhoc rules. Though the petitioners were appointed in the year 1985, their service was regularized only from 02.09.2005. But, in the case of similarly placed persons like the petitioners, their services were regularized with effect from 04.12.1997. Therefore, the petitioners made representations before the respondents 1 & 2, seeking retrospective regularization with effect from 04.12.1997, on par with the similarly placed persons. However, the said representation was not considered. Thereby, the petitioners filed a writ petition in W.P.No.6276 of 2023, seeking to consider the aforesaid representation and this Court vide its order dated 01.03.2023, directed the respondent therein to consider the same. Pursuant to the said order, the first respondent passed an order dated 08.11.2023 by rejecting the claim of the petitioners. Challenging the said order dated 08.11.2023, the petitioners have come forward with the present writ petition.

3. Learned counsel for the petitioners would further submit that the service of similarly placed persons like the petitioners were regularized with effect from 04.12.1997 i.e., from the date of issuance of G.O.Ms.No.602,



Higher Education (C1) Department, dated 04.12.1997, whereas the service of the petitioners were not regularized on par with them. Hence, this Court may set aside the impugned order and remand the matter to the first respondent for fresh consideration.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. This Court perused the counter affidavit of the respondents, which does not reveal anything and the impugned order passed by the first respondent is bereft of any particulars. On this sole ground, this Court is inclined to set aside the impugned order dated 08.11.2023 and remand the matter to the first respondent for fresh consideration.

6. Accordingly, the impugned order dated 08.11.2023 is hereby set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to decide whether the petitioners are entitled to regularization with effect from 04.12.1997, in terms of G.O.Ms.No.602, Higher Education (C2) Department dated 04.12.1997, G.O.Ms.No.347, Higher Education (G-2) Department dated 29.09.2006 and G.O.Ms.No.38, Higher Education (D1) dated 06.03.2007, which were applied in favour of similarly placed persons, who were regularized with effect from 04.12.1997.



With the above terms, this writ petition stands allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM

To:

1. The Secretary To Government,
Higher Education (C2) Department,
Secretariat, Chennai-600 009.
2. The Director Of Technical Education,
Chennai-600 025.



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M.DHANDAPANI, J.

VM

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