



WEB COPY

W.A.No.825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 825 of 2025

S. Jayalakshmi

...Appellant

Vs.

1. The State Rep. By
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009.
2. The Director,
Directorate of Elementary Education,
DPI Campus,
Nungambakkam, Chennai 600 018.
3. The District Collector,
Thiruvannamalai District.
4. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
5. The District Elementary Educational Officer,
Cheyyar,
Thiruvannamalai District.



6. The Block Educational Officer,
Anakkavur Block,
Cheyyar Taluk,
Thiruvannamalai District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 11.12.2023 passed in WP No.25362 of 2023.

For Appellant : Mr.P. Murali,

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

J U D G M E N T

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

Aggrieved by the dismissal of her challenge to the rejection of her request for regularization, the appellant came up before this Court.

2. The appellant was appointed as a part time sweeper on 01.04.2008 in the office of the Block Education Office, Anakkavur. She claimed regularization from the date on which she had completed 10 years of service. The request for regularization was rejected on the ground that her

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appointment was an irregular appointment and on the ground that she has not been working since 04.06.2014.

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3. The Writ Court dismissed the writ petition on the ground that the appellant was not appointed through the Employment Exchange and her appointment being irregular, she cannot claim the benefit of regularization. The issue relating to regularization is *no longer res integra*. A Full Bench of this Court in ***M.Sivappa v. The State of Tamil Nadu***, reported in **2024 (2) CTC 1**, to which one of us (R.Subramanian, J.) was a party, has held that if the post is one enumerated in the Special Rules for Tamil Nadu Basic Service, de hors the nature of appointment, the employee will be entitled to the benefits of regularization as per G.O.Ms.No.22 dated 28.02.2006 de hors G.O. No.74 dated 27.06.2013.

4. A Division Bench of this Court, to which one of us (R.Subramanian, J.) was a party, in ***the Secretary to the Government vs. K. Subramani***, made in WA (MD) No.1631 of 2024 dated 25.09.2024, has considered a similar issue and following the dictum of the Full Bench directed regularization of part time sweeper appointed on 28.02.2006.



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5. The learned Government Pleader would, however, rely upon a judgment of another Division Bench of this Court in, to which one of us (G.Arul Murugan, J.) was a party, in *State of Tamil Nadu vs. P. Lakshmi*, made in WA No.3562 of 2019 dated 17.12.2024, wherein it was held that the person appointed by the Parent-Teachers Association will not be entitled to regularisation as the Parent-Teachers Association is not the appointing Authority. The learned Government Pleader would contend that in the case on hand, it is the District Educational Officer, who is the appointing Authority, and the appellant having been appointed by the Block Education Officer is not entitled to regularisation. We are unable to accept the contention of the learned Government Pleader.

6. In case of appointment made by Parent-Teachers Association, there made depending on the exigencies and the salaries also paid by the Parent-Teachers Association, therefore the Division Bench had made the distinction between the appointments made by the Parent-Teachers Association and the appointments made by the Government Authorities. Here the appointments have been made by the Block Education Officer, who is also a Government

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servant. Therefore, the Government cannot be allowed to take shelter under the judgment of the Division Bench to contend that the appellant is not entitled to regularization.

7. The learned Government Pleader would also point out that while rejecting the request it has been pointed out that the appellant did not continue to work after 04.06.2014. This statement is evidently erroneous. By a communication dated 09.03.2020, the Block Education Officer, Anakkavur, has addressed the letter to the District Collector seeking sanction of pay and Pongal grant for the appellant from 01.04.2014 to 29.02.2020 that would essentially mean that the appellant was working throughout the said period. Therefore, the claim that the appellant was not working from 04.06.2014 cannot be accepted.

8. Hence, we find that the appellant would be entitled to the benefits of G.O.22 dated 28.02.2006. The Writ Appeal is therefore allowed, the respondents will regularize the services of the appellant from the date on which she completed 10 years of service on the temporary basis i.e. with effect from 01.04.2018. It is needless to state that she would also be entitled



to all monetary benefits from the date of her regularization, which shall be computed and paid within a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
20.02.2025

jv

Index : No

Neutral Citation : No

Speaking order

Note: Issue Order copy on 25.02.2025

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
School Education Department,
Secretariat, Chennai 600 009.

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2. The Director,
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