



W.P.No.14614 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14614 of 2024

P. Alagar

...Petitioner

Vs

1. The Director of School Education,
School Education Department,
DPI Campus, Chennai.

2. The Chief Educational Officer,
O/o the Chief Educational Office,
Udagamandalam, Nilgiri District.

3. The Head Master,
Government High School, Kundhaladi,
Pandalur Taluk, Nilgiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of

India to issue a Writ of Mandamus directing the respondents to consider the petitioner representation dated 15.03.2024 seeking regularization and declaration of probation in the Cadre of B.T.Assistant (Social Science) and grant Annual Increment and re-fix petitioner scale of pay w.e.f. 26.09.2014 and pay arrears of salary from the month of June 2015 to April 2016 and pay the monetary benefits arising thereon and pass orders.



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For Petitioner : Mr.Mr.J.Imran Khan
For Respondents : Mrs.Mythreye Chandru
Special Government Pleader

ORDER

This petition is filed seeking to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 15.03.2024 seeking regularization and declaration of probation in the Cadre of B.T.Assistant (Social Science) and grant Annual Increment and re-fix petitioner's scale of pay w.e.f 26.09.2014 and pay arrears of salary from the month of June 2015 to April 2016 and pay the monetary benefits arising thereon and pass orders.

2. The facts of the case is that the petitioner was working as a B.T.Assistant at Government High School, Kundhaladi, Pandalur Taluk, Nilgiri District. The sum and substance of the case is that a criminal case was registered against the mother and brother of the petitioner. Initially the petitioner's name does not found place in the F.I.R. Thereafter, based on the confession statement of the complainant petitioner's name was included, due to which the petitioner obtained Anticipatory bail before



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this Court on 18.06.2015. The further case of the petitioner is that when the petitioner approached the 3rd respondent he was not permitted to join duty and thereafter the first respondent by his proceedings dated 05.04.2016 re-instated the petitioner in service. When things stood thus a criminal case was registered against the petitioner in SC.No.34 of 2020 on the file of the Additional District Judge Court,Dindigul and the same was ended in acquittal. The grievance of the petitioner is that when the fact was neither the petitioner was placed under suspension nor he was issued with a charge memo, the respondent has not regularized the service of the petitioner and probation was not declared which has reflected in the pay scale of the petitioner as he was receiving the basic salary sanctioned at the time of appointment. Hence, the petitioner has given a representation regarding the said issue on 15.03.2024, however the same was not considered by the respondents, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that there is no allegation or complaint that the petitioner has violated any service rules or engaged in any professional misconduct. Hence, the conduct of the



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respondent in not regularising the service of the petitioner requires interference by this Court. Hence, prays to allow this petition.

4. The learned Special Government Pleader appearing for the respondents filed a counter wherein they have stated that the petitioner has taken long leave without intimation. It is also stated that the petitioner has applied for the monetary benefits and Regularisation and completion of probation declaration. The request of the petitioner was forwarded to the Joint Director of School Education(Personal)Chennai on 10.06.2024 and they will pass final orders after the disposal of the disciplinary proceedings.

5. Heard both sides and perused the materials available on records.

6. On a perusal of the counter affidavit it is seen that the respondents have stated that the petitioner's prayer will be considered and pass orders regarding Regularisation and Declaration of Probation in the cadre of B.T.Assistant (Social Science) and grant Annual Increment and re-fix the scale of pay with effect from 26.09.2014 and pay arrears of



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salary from the month of June 2015 to April 2016 and with monetary benefits after completion of disciplinary proceedings.

7. Having regard to the above facts , there shall be a direction to the respondents to consider the petitioner's representation and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to co-operate with the respondents to conclude the disciplinary proceedings.

7. With the above observations this writ petition stands disposed of. No order as to costs.

08.01.2025

Index: Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

smn

To.

1. The Director of School Education,
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