



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.26339 & 26341 of 2019

and

WMP.Nos.25693 & 25696 of 2019

C.Suresh Kumar

S/o K.Chokalingam

...

Petitioner in WP.No.26339 of 2019

P.Manickam

S/o.Palanisamy.

...

Petitioner in WP.No.26341 of 2019

Vs.

1. The Secretary

Department of School Education & Literacy,
Ministry of Human Resource Development,
Government of India,
Shastri Bhavan,
New Delhi - 110 001.

2. The Secretary

Ministry of Skill Development
and Entrepreneurship,
Government of India,
Shivaji Stadium Annexe Building,
Connaught Place,
New Delhi - 110 001.

3. The Joint Secretary (SNP Division/Wing II)

Ministry of Skill Development
and Entrepreneurship,
Government of India,



Shivaji Stadium Annexe Building,
Connaught Place,
New Delhi - 110 001.

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4. Jan Shikshan Sansthan
Rep. by its Chairman,
Alagesan Road,
Coimbatore - 641 043.

5. The Avinashilingam Educational Trust,
Rep. by its Managing Trustee,
Metupalayam Road,
Coimbatore - 641 043.

... Respondents in both WPs

Prayer in both WPs.: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records on the file of the fourth respondent vide proceedings in Office Order dated 31.05.2019, quash the same.

In both WPs.

For Petitioner : Mr.S.Saravanan

For Respondents

For R1 to R3 : Mr.K.Rajkumar

for Mr.R.Bharathmumar for RR4 & 5

: Mr.K.Subburanga Bharathi (CGC) for RR1 to 3

COMMON ORDER

These writ petitions have been filed challenging the order passed by the fourth respondent dated 31.05.2019, thereby terminating the services of the petitioners.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The fourth respondent is an organization under the control of Government of India. It provides vocational skills to non-literate, neo-literates as well as school drop-outs. Initially the Sharamik Vidyapeeth Scheme was set up under non plan scheme of Government of India as autonomous bodies and it was registered under the Society Registration Act. It was run by the Universities, State Government and Distinct Organization. The petitioner in WP.No.26339/2019 was appointed as an Assistant Programme Officer on 30.11.1998, and the petitioner in WP.No.26341/2019 was appointed as an Artist-cum-Projectionist on 14.05.1985 in the 4th respondent organization. Along with 81 others, they filed Writ Petition (Civil) No. 001113/2017 before the Hon'ble Supreme Court, seeking to retain their status and service conditions under Central Civil Services Rules, comparable to other Central Autonomous Bodies, and to receive VII Pay Commission benefits. The petitioners grievance is that while the above writ petition was pending before the Hon'ble Apex Court, the 4th respondent, without prior notice, issued a termination order on 31.05.2019.



Hence, these petitions have been filed.

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4. While that being so, the Board of Management of the fourth respondent organization had taken a decision to surrender the organization to the first respondent viz., the Government of India. Hence, the fourth respondent terminated the service of the petitioner. Since the fourth respondent organization has got nothing to do with the respondents 1 & 2.

5. When a similarly placed person has filed Writ Petition before this Court in W.P.No.11571 of 2022 via order dated 05.01.2024, this Court has held as under:-

"3. The fourth respondent is an organization under the control of Government of India. It provides vocational skills to non-literate, neo-literates as well as school drop-outs. Initially the Sharamik Vidyapeeth Scheme was set up under non plan scheme of Government of India as autonomous bodies and it was registered under the Society Registration Act. It was run by the Universities, State Government and Distinct Organization. The petitioner was selected and appointed as an Attender on 05.12.1984 in the fourth respondent organization and thereafter he was promoted to the post of Lower Divisional Clerk on 01.11.1993. Till his termination, the petitioner had worked as Lower Divisional Clerk.



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4. *While being so, the Board of Management of the fourth respondent organization had taken decision to surrender the organization before the first respondent viz., the Government of India. Therefore, the fourth respondent terminated the service of the petitioner, since the fourth respondent organization is nothing to do with the respondents 1 & 2. Hence the prayer sought for in this writ petition is not maintainable and it is liable to be dismissed.*

5. *Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed. There shall be no orders as to costs. "*

6. Since the above observation is applicable to the present case also, these writ petitions are liable to be dismissed.

In the result, these Writ Petitions stand **dismissed**. Consequently, connected miscellaneous petitions are also closed. There shall be no orders as to costs.

10.03.2025

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

jrs

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To

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New Delhi - 110 001.
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R.N.MANJULA, J.

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