



WEB COPY

W.A.No. 291 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

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

W.A.No. 291 of 2025
and
C.M.P.No. 2258 of 2025

1. The Government of Tamil Nadu
Rep by its Principal Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.

2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai- 600 006.

3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

4. The District Educational Officer,
Nagercoil, Kanyakumari District.

...Appellants

Vs.

1. R. Mary Selvarani

2. Little Flower Girls Higher Secondary School,
Rep by its Headmaster and Correspondent,
Ramaputhur, Nagercoil 629004,
Kanyakumari District.

...Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 03.01.2024 made in W.P.No.4396 of 2020.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader
For Respondents : Mr.G.Mutharasu
for M/s.S.Amala Irudayamary

J U D G M E N T

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

Challenge is to the order of the Writ Court made in W.P.No.4396 of 2020, quashing the proceedings dated 18.11.2019 and directing the respondents to regularize the period of service of the 1st respondent between 20.12.1986 to 31.05.1995.

2. According to the 1st respondent, she was appointed as a BT Assistant on 20.12.1986 in the 2nd respondent School, of course, in a non-sanctioned post. However, since the students strength required a BT Assistant, she was continuously taking classes from 20.12.1986 to 31.05.1995. Taking into account the need of the School, the Education Department passed G.O.Ms.No.950 dated 31.07.1989, sanctioning two more posts of BT Assistants to the said school, on condition that the School will



have to give security for the salary to be disbursed to the additional posts sanctioned. Since the School did not furnish the security, the said Government Order was not implemented and the petitioner continued to work as a Management staff, till her regularization on 01.06.1995 as against the sanctioned vacancy. The petitioner sought for treating the period between 20.12.1986 to 31.05.1995 as regular service. This request was rejected by the respondent by the impugned proceedings.

3. The Government resisted the claim of the petitioner contending that under Rule 11 of the Pension Rules, qualifying service would commence only from the date, on which, the Employee is appointed either substantively or officiating or temporary capacity and not as a Management staff. The Writ Court however, relied upon G.O.(1D).No.413, School Education Department dated 27.11.2015 wherein, the Government regularized service of the similarly placed person working in St.Joseph's Higher Secondary School, Mulagumoodu, Kanyakumari District, pursuant to the orders of this Court in W.P.No.3434 of 2012 dated 28.01.2014, subject to the result of the appeal filed by the Department against the said order.



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4. It is now brought to our notice that the appeal filed against the order dated 28.01.2014 made in W.P.No.3434 of 2012 was also dismissed by the Division Bench of this Court on 08.07.2021 and the Special Leave Petition therefrom was also rejected by the Hon'ble Supreme Court.

5. In view of the same, the order in W.P.No.3434 of 2012 dated 28.01.2014 has attained finality. The Government had sanctioned the benefits to one similarly placed person. Therefore, it is not open to the Government to contend that the respondent is not entitled to the same benefits. The writ court had only taken note of the above circumstance and had allowed the Writ Petition and the writ court also only granted a limited relief to the extent that the service would be counted for retirement and pensionary benefits alone. Hence, we do not see any reason to interfere with the order of the writ court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.



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6. Since the appeal has been disposed of today, we direct the Government to comply with the order of the learned single Judge within a period of twelve weeks from the date of receipt of a copy of this order.

(R.S.M., J.) (G.A.M., J.)
17.02.2025

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Index: No
Speaking order
Neutral Citation : No

Note: Issue order copy on 21.02.2025.

To:

1. The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai~600 006.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
4. The District Educational Officer,
Nagercoil, Kanyakumari District.

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