



W.A.(MD).No.289 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.02.2025

CORAM

**THE HONOURABLE Mrs.JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE S.SRIMATHY**

W.A.(MD).No.289 of 2025
and
C.M.P.(MD).No.2071 of 2025

- 1.The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
Nungambakkam,
Chennai 600 006.
- 3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Dindigul, Dindigul District
- 4.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Collectorate Campus,
Karur,
Karur District.
- 5.The District Educational Officer,
O/o. the District Educational Officer,
Vedasandur, Dindigul District
- 6.The District Educational Officer,
O/o. the District Educational Officer,
Karur, Karur District.

... Appellants/Respondents



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Vs.

V.Manimozhi

Secondary Grade Teacher, Panchayat Union Primary School,
Koovakkapatty,
Vedasandur Union,
Dindigul District.

... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 05.09.2024 passed in W.P.(MD).No.6759 of 2021.

For Appellants : Mr.J.Ashok

Additional Government Pleader

For Respondent : Mr.H.Mohammed Imran

JUDGMENT

(Judgment of the Court was made by J.NISHA BANU,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.6759 of 2021 dated 05.09.2024.

2. In the order passed in the Writ Petition, the learned Single Judge, by taking note of the fact that in the case of similarly placed teachers, who had obtained orders in W.P.(MD).Nos.5870 to 5872 of 2019 dated 13.03.2019, to have their representations considered and consequently, the respondents have also passed favourable orders of regularisation, had allowed the Writ Petition



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and similar benefits were extended to the respondent/writ petitioner also.

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3. The main ground raised by the learned Additional Government Pleader appearing for the appellants in this appeal is that the consideration of the similarly placed persons was in the years 2007 and 2011, whereas, the respondent herein had given his representation only in the year 2020 and therefore, the same does not deserve consideration owing to laches.

4. The said ground may not require consideration since it is on a misconception of facts, as well as on law. Firstly, it is not only that the similarly placed persons of the years 2007 and 2011 were considered for regularisation, but even through the proceedings of the fifth appellant in the year 2020, similarly placed persons as that of the respondent herein were also extended the benefit of such regularisation. The respondent herein has also made her request in the year 2019 and therefore, the question of laches would not arise.

5. Even otherwise, the Hon'ble Supreme Court, in the case of ***Amrit Lal Berry Vs. Collector of Central Excise, New Delhi*** reported in ***(1975) 4 SCC 714***, had held that when a citizen aggrieved by an action of the Government department has approached the Court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit



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without the need for them to go to Court.

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6. If and when the aforesaid principle of law is applied, the question of laches would never arise, since the respondent's entitlement for regularisation had accrued, as and when a similarly placed person has been granted the benefit and the laches were only on the side of the Department in not extending such benefits to the concerned Teachers, in the light of the decision of the Hon'ble Supreme Court referred above. Thus, the only ground of laches raised in this appeal, for interfering with the order passed in the Writ Petition, does not deserve consideration.

7. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(J.N.B.,J.) (S.S.Y.,J.)
14.02.2025

NCC : Yes/No
Index : Yes/No

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