



W.P.(MD).No.4541 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.4541 of 2019

Yesudhasan (Died)

1.Y.Suja Rathy

2.Y.Sunitha Rathy

... Petitioners

(Petitioners are substituted vide Court order dated 05.09.2023 in W.M.P.(MD).No.119951 of 2022 in W.P.(MD).No.4541 of 2019)

Vs.

- 1.The Principal Secretary,
School Education Department,
Secretariat, Fort St.George,
Chennai.
- 2.The Director of School Education,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Kanyakumari District
at Nagercoil.
- 4.The District Educational Officer,
Thucklay Education District,
Thucklay, Kanyakumari District.



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5. The Correspondent,
St.Peters R.C. Higher Secondary School,
Chekkal, Thirparappu (Post),
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents 1 to 4 to approve the petitioner's appointment in the light of the order of this Court in W.P.Nos.415, 436 of 1989 dated 24.03.2008 and to disburse the salary from 01.11.1987, retirement and other monetary benefits of the petitioner within a time stipulated by this Court.

For Petitioners	: Mr.T.Cibi Chakraborty
For R-1 to R-4	: Mr.N.Satheesh Kumar Additional Government Pleader
For R-5	: Mr.K.Ragatheesh Kumar for M/s.Issac Chambers

ORDER

This Writ Petition is filed for Mandamus to direct the respondents 1 to 4 to approve the petitioner's appointment in the light of the order of this Court in W.P.Nos.415, 436 of 1989 dated 24.03.2008 and to disburse the salary from 01.11.1987, retirement and other monetary benefits.

2. During the pendency of the Writ Petition, the original writ petitioner died and his legal heirs were substituted vide order dated 05.09.2023.



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3. The original petitioner was appointed as a Watchman in the fifth respondent School on 04.06.1979. The fifth respondent School is a minority institution and the School was awaiting sanction of the post for the purpose of getting grant from the Government. Earlier, there were several litigations seeking sanction for the post and temporary arrangements were also made for the School. In this regard, reliance was placed on G.O.(Ms)No.271, Education Department, dated 22.02.1990, wherein, the Government has accorded temporary sanction for certain posts, which were found in the annexure of the Government Order. According to the original petitioner, he is entitled for receiving salary from 01.11.1987 from the Government.

4. The learned counsel for the petitioners substantiated the claim made by the original petitioner by stating that the School had already obtained order in his favour in W.P.Nos.415 and 436 of 1989 dated 24.03.2008 and this order has not yet been implemented and they have also filed several Writ Petitions for implementation of the same. It is also stated that for the purpose of implementation of the said order, Contempt Petition has also been filed and the same is pending.



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5. Heard the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

6. I have gone through the prayer made in the Writ Petition. I am of the view that since the original petitioner has sent a representation dated 19.07.2017 and the same is pending before the third respondent, it would be appropriate to direct the third respondent to consider the said representation by taking note of the various judicial orders passed by this Court and pass appropriate orders on merits. This Court has not expressed any opinion with regard to the merits of the claim made by the original petitioner.

7. Accordingly, the Writ Petition stands disposed of with direction to the third respondent to consider the petitioner's representation dated 19.07.2017 and pass appropriate orders on merits and in accordance with law. There shall be no order as to costs.

07.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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K.RAJASEKAR,J.

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