



W.A.(MD)No.1579 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

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**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1579 of 2019

R.Selvaraj

... Appellant

vs.

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

2.The Director of School Education,
College Road, Chennai – 600 006.

3.The Chief Educational Officer,
Nagercoil, Kanyakumari District – 629 001.

4.The District Educational Officer,
Thiruvattar, at Marthandam,
Kanyakumari District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order passed in WP(MD)No.1995 of 2013 dated 16.02.2018.



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For Appellant : Mr.S.C.Herold Singh

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The appellant herein was appointed as Marker in the fifth respondent Government Higher Secondary School, Arumanai on 18.08.1986. The Government issued G.O Ms No.527 dated 30.12.1997 sanctioning as many as 227 posts of Markers and absorbed a number of Markers and brought them into regular time scale of pay. Unfortunately, the petitioner was not included in the said list. This was primarily because there were not sufficient number of sanctioned post of Markers. Later, the writ petitioner was appointed as Office Assistant in the fifth respondent school vide proceedings dated 11.09.2007 issued by the District Educational Officer, Kuzhithurai.

2.In these circumstances, the writ petitioner filed WP(MD)No. 1995 of 2013 seeking regularization of his service with effect from 30.12.1997 when the G.O Ms.No.527 was issued. The learned Single



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Judge vide order dated 16.02.2018 dismissed the writ petition.

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Aggrieved by the same, this writ appeal has been filed.

3.The question that calls for consideration is whether the approach adopted by the learned Single Judge can be faulted. The learned counsel appearing for the appellant primarily contended that during the relevant time there were sanctioned posts available and that non-inclusion of the petitioner's was due to inadvertence.

4.We are not impressed by the said submission. The proceeding dated 11.09.2007 clearly mentions that the writ petitioner will be appointed as Office Assistant and that his appointment will be considered as fresh appointment. If the appellant felt aggrieved by the same, he ought to have challenged the validity of the proceedings dated 11.09.2007 issued by the DEO then and there. He failed to do so. It is not open to the writ petitioner to now question the same. We sustain the order of the learned Single Judge.



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5.This writ appeal is dismissed. No costs.

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(G.R.S. J.,) & (K.R.S. J.,)
18.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
SKM

To

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