



W.P.(MD)No.23847 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.23847 of 2022

A.Noorjahan

Petitioner

Vs

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

2.The Headmaster,
Government High School,
Maathavalayam,
Kanyakumari District.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to regularize the Petitioner's service as Full-Time sweeper on the date of completion of ten years of part time service from 06.02.1987 and to pay time scale of pay and other benefits payable with effect from 06.02.1987 by counting 50% of part time service for the purpose of pension in the light of the order passed in W.A. (MD)No.93 of 2018 dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23960 of 2018 and in the Light of Government Order in G.O.Ms.No.111, School Education (R1) dated 09.05.2012.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.V.Omprakash
Government Advocate



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ORDER

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1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to regularize the Petitioner's service as Full-Time sweeper on the date of completion of ten years of part time service from 06.02.1987 and to pay time scale of pay and other benefits payable with effect from 06.02.1987 by counting 50% of part time service for the purpose of pension in the light of the order passed in W.A.(MD)No.93 of 2018 dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23960 of 2018 and in the Light of Government Order in G.O.Ms.No.111, School Education (R1) dated 09.05.2012.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) The Petitioner was appointed as a part-time Sweeper at the 2nd Respondent School vide order dated 06.02.1987, filling a sanctioned vacancy. The Government subsequently passed G.O.Ms.No.22 dated 28.02.2006 to regularize the services of daily wage employees across all Government Departments who had completed 10 years of service as of 01.01.2006. Despite having rendered more than 30 years of service and making several representations, the Petitioner's service remains unregularized. Pursuant to the Government Order, numerous part-time



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and full-time sweepers from various Departments have been regularized to the time scale of pay. However, the Petitioner's service was overlooked.

(b) The Petitioner submits that the present issue is squarely covered by the dictum laid down by the Division Bench of this Court in W.A.(MD)No.93 of 2018, dated 27.03.2018. This judgment was subsequently affirmed by the Hon'ble Supreme Court, which dismissed S.L.P.No.23960 of 2013 on 24.09.2018. Furthermore, through G.O.Ms.No.111, dated 09.05.2012, the services of 614 part-time sweepers, including the Petitioner, were regularized. Despite the same, the Respondents failed to take action, prompting the Petitioner to file this Writ Petition seeking the aforementioned relief.

3. Heard Mr.R.Maheswaran, learned counsel for the Petitioner and Mr.V.Omprakash, learned Government Advocate for the Respondents.
4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the Petitioner has made several representations before the Respondents. But, no final order was passed on the said representation and lastly, a representation was given on 12.02.2020 before the 1st Respondent which is still pending for more than four years. He further submits that now the



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Petitioner is ready and willing to submit a fresh representation before the 1st Respondent which may be directed to be disposed within a specified time.

5. Mr.V.Omprakash, learned Government Advocate for the Respondents did not dispute the fact that the petitioner has made several representations with the most recent one dated 12.02.2020. He further submits that the petitioner may file a fresh representation before the 1st Respondent outlining his grievances and it would be considered and decided in accordance with law within a time frame as fixed by this Court.
6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 1st Respondent may be directed to decide the case of the Petitioner in accordance with law.
7. Accordingly, the petitioner is directed to file a fresh representation before the 1st Respondent detailing his claim and grievances within a period of four weeks from today. If any such representation is filed by the Petitioner before the 1st Respondent as per the time stipulated by this Court, the 1st Respondent is directed to consider the same and pass a reasoned and



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speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation. The 1st Respondent shall communicate the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

13-02-2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr

To:

- 1.The District Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The Headmaster,
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SHAMIM AHMED, J.

Nsr

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