

(2007) 12 MAD CK 0175

In the Madras High Court

Case No : Writ Petition No. 9072 of 2005

Varadarajan

APPELLANT

Vs

The Director of School Education (Elementary), The District
Elementary Educational Officer, The Additional Assistant
Elementary Educational Officer and The Secretary,
Ramakrishna Aided Middle School

RESPONDENT

Date of Decision : 19-12-2007

Acts Referred:

Citation : (2007) 12 MAD CK 0175

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

**Advocate : K. Sanjay, for the Appellant; So. Paramasivam, Government
Advocate for Respondent Nos. 1 to 3, for the Respondent**

Judgement

G. Rajasuria, J.—This Writ petition is focussed to issue a Writ of Certiorarified Mandamus calling for the reocrds on the file of the second

respondent herein vide his proceedings in Na.Ka. No. 6745/Aa3/2002 dated 29.07.2003 and quash the same as illegal, arbitrary, unreasonable

being violative of rules and principles of natural justice and consequently directing the first 1st and 2nd respondents herein to approve the

appointment and regularise the service of the petitioner with effect from the date of initial appointment i.e., 28.03.1998 with all consequential

monetary and service benefits.

2. Heard both sides.

3. A resume of facts absolutely necessary and germane for the disposal of this writ petition would run thus:

The writ petitioner is having qualification M.A., B.Ed., and working as Secondary

Grade Assistant Teacher in the fourth respondent school. The

grievance of the petitioner is that even though he was appointed in the fourth respondent school with effect from 28.03.1998, yet he was not

regularised from that date on the ground that he had not completed Child Psychology course meant for it.

4. The learned Counsel for the petitioner placing reliance on the decision of the Tamil Nadu Administrative Tribunal in O.A. No. 3226 of 2003

dated 13.12.2003 and the G.O.Ms. No. 122 Schedule Castes and Schedule Tribes Welfare Department, dated 02.08.2005, would develop his

argument to the effect that in commensurate with the aforesaid decision and the G.O., the service of the petitioner herein, should be regularised

with effect from the date of his appointment i.e., 28.03.1998 and not from the date of his completion of that course and the fact also remains that

he completed the said Course by 31.05.2003.

5. The learned Government Pleader would agree to the factual as well as legal position highlighted by the learned Counsel for the writ petitioner.

6. Hence, I am of the considered opinion that there could be no impediment for issuing the following direction:

The petitioner shall be regularised with effect from the date of his appointment i.e., 28.03.1998 and accordingly, he is declared to be entitled to all

consequential benefits and within a period of two months, the authorities shall implement the order of this Court.

7. With the above direction, this petition is disposed of. No costs.