

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2010

Coram:

THE HONOURABLE Ms. JUSTICE K.B.K.VASUKI

W.P. No. 26759 of 2009

and

M.P. No. 2 of 2009

Arivoli Valarkalvi Orunginaippalarkal
Sangam, Rep. by its Secretary
D.Thangavel, No.39, 2nd Market Street
Near Periyar Mandram,
Salem-636 003.

... Petitioner

vs.

1.The Secretary
Department of School Education
and Literacy, Government of
India, Minister of Human
Resources Development Department
Shastri Bhavan, New Delhi.

2.The Director General of
National Literacy Movements
Government of India
Minister of Human
Resources Development Department
Shastri Bhavan, New Delhi.

3.The State of Tamilnadu
Rep. by its Secretary
School Education Department
Fort St. George, Secretariat
Chennai-600 009.

4.The Director of Non-formal and
Adult Education, DPI Campus
College Road, Nungambakkam
Chennai-600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the 4th respondent dated 04.12.2009 in D.O. Letter No.195/B2/09 and quash the same only

in so far as it relates to the members of the petitioner and consequently direct the respondents to allow the members of the petitioner to work in the continuing educational programme till it is completed in the State of Tamil Nadu.

For Petitioner : Mr. K.Selvaraj
For Respondents : Mrs. E.Ranganayaki
Govt.Pleader (Education)

O R D E R

On consent, the writ petition is taken up for final hearing.

2. The petitioner association, as per the list enclosed at Pages 17 to 30 of the typed set of papers has come forward with this writ petition for quashing the order of the 4th respondent dated 04.12.2009 in D.O. Letter No.195/B2//09, in and under which, the 4th respondent has directed the closure of all pending literacy schemes and to send the progress report on the ground that the Central Government is going to launch a new literacy scheme and for consequential direction to the respondents to allow the members of the petitioner association to work in the continuing educational programme till it is completed in the State of Tamil Nadu.

3. According to the petitioner Sangam, the members of the petitioner Sangam were continuously employed in Arivoli Literacy Programmes and they had been conducting literacy education programmes for more than 19 years in the State of Tamil Nadu and pending successful completion of current five years course, the impugned order came to be passed depriving not only the public who had been benefited by the literacy camps, but also the workers who had been continuously offered employment through the programmes, of their benefits of getting education and of regular earning. However, in the course of argument it is brought to the notice of this Court that Our High Court has disposed of identical writ petitions W.P.Nos. 11029, 11030 and 12266 of 2010 by common order dated 14.06.2010 wherein it is held by our High Court as follows:

"So the petitioners may be considered for their appointment by the District Collector after perusing their past record of service and eligibilities as prescribed in the Government of India guidelines. (vide D.O. Lr. Rc. 2170/B2/2009 dated 23.02.2010 of Directorate of Non Formal and Adult Education, Chennai-6).

5. In view of the above, it was submitted that the cases of the petitioners will be considered as and when future vacancies arose, in accordance with the

eligibility conditions prescribed and after perusing their past record of service. "

The statement made in the counter affidavit to that effect in the earlier writ petitions was also orally reiterated by the learned Government Advocate and batch of writ petitions are disposed of by recording the above statement and by directing the respondents to consider the case of the petitioners therein, in accordance with the statement, however, without any monetary benefits to the petitioners therein for the period during which they already rendered service.

4. The petitioner association herein, is ready to restrict its relief and now seeks similar remedy to direct the respondents to consider the claim of the members of the petitioner association for appointment against future vacancies subject to their eligibility as prescribed and by taking into account, their past record on service and without any monetary benefit.

5. In view of the same, the respondents are directed to consider the appointment of members of the petitioner association as and when future vacancies arise in accordance with the eligibility conditions prescribed and after perusing their past record of service, however, without any monetary benefits to the petitioner for the past record of service, rendered by them.

6. With this observation, the writ petition is disposed of. The connected miscellaneous petition is closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

kj

To

1.The Secretary
Department of School Education
and Literacy, Government of
India, Minister of Human
Resources Development Department
Shastri Bhavan, New Delhi.

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2.The Director General of
National Literacy Movements
Government of India
Minister of Human
Resources Development Department
Shastri Bhavan, New Delhi.

3. The Secretary
State of Tamilnadu
School Education Department
Fort St. George, Secretariat
Chennai-600 009.

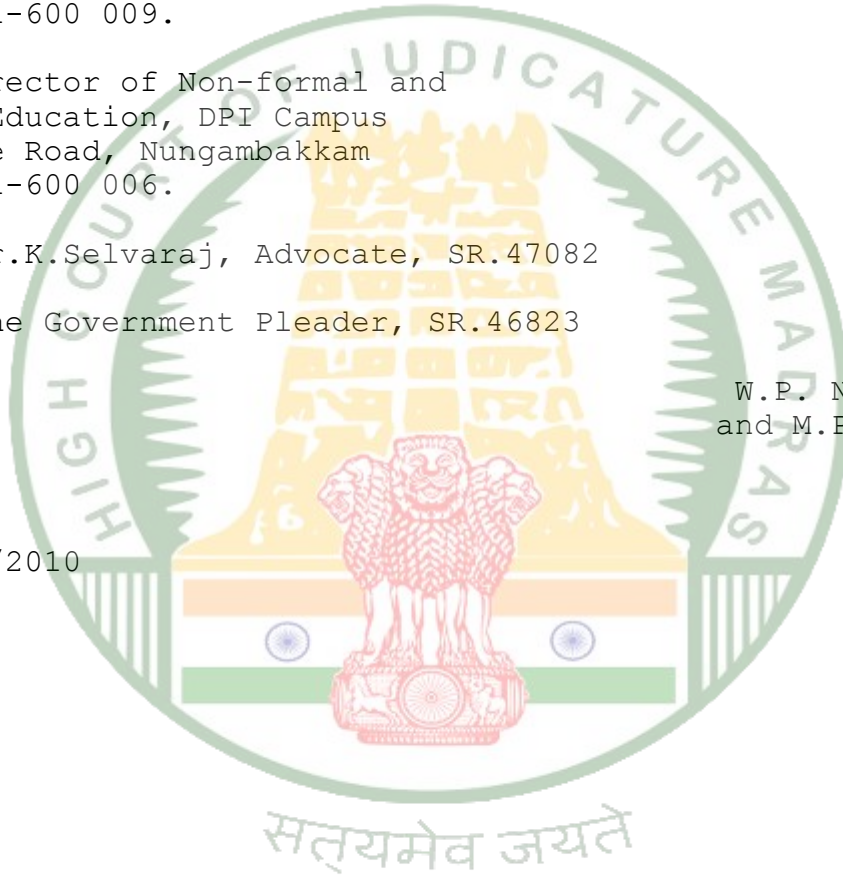
4. The Director of Non-formal and
Adult Education, DPI Campus
College Road, Nungambakkam
Chennai-600 006.

1 cc To Mr.K.Selvaraj, Advocate, SR.47082

1 cc To The Government Pleader, SR.46823

W.P. No. 26759 of 2009
and M.P. No. 2 of 2009

TEJ(CO)
sra 15/07/2010



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