

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.1689 of 2014

C. Jessie Sundara Bai

Appellant/Petitioner

vs.

1 The District Elementary Officer
Thucklay
K.K.District - 629 175

2 The Headmistress
Government High School
Thengam Puthur
K.K. District

Respondents/Respondent

Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 26.07.2010 passed in W.P. No.46010 of 2006.

Petition presented under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus by way of transfer of O.A.No.8634 of 2000 from the file of the Tamil Nadu Administrative Tribunal with a prayer to call for the records relating to the first respondent's proceedings made in Na.Ka.8843 A1/2000 dated 13.11.2000, to quash the same and consequently direct the respondent to regularize the service of the applicant in the post of Night Watchman or any equivalent post and extend all benefits both service and monetary to the petitioner.

For appellant Mr. R. Saseetharan

For respondents Mr. D. Krishnakumar
Special Government Pleader - Education

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal arises from the order dated 26.07.2010 passed in W.P. No.46010 of 2006.

2 The appellant filed the instant writ petition challenging the order dated 13.11.2000 passed by the first respondent, whereby and whereunder, her appointment as Night Watchman was cancelled on administrative grounds.

3 The Writ Court, while dismissing the writ petition, reserved liberty to the appellant/writ petitioner to make an application to the respondents for appointment on the post of Part Time Sweeper with a direction to the respondents to consider the same and pass orders in accordance with law, taking into account, the previous service of 13 years rendered by the appellant.

4 Pursuant to the aforesaid order passed by this Court, it is revealed that the authorities have considered the appellant's representation and rejected the same on the grounds that she did not join the post of Part Time Sanitary Worker and in view of the ban against appointment of part time employees, no appointment can be made.

5 On a perusal of the documents, we notice that the appellant's representation was not considered by the respondents, as directed by the learned Single Judge. There is a clear stipulation in the order passed by the learned Single Judge to the effect that the appellant's representation be considered, taking into account, the previous service of 13 years rendered by her. The appellant's representation was rejected on the ground that there is a ban and also on other ground which was the subject matter of challenge in the writ petition. Thus, we have no hesitation in holding that the appellant's representation was rejected by the respondents, without application of mind and without following the observation made by the learned Single Judge.

6 Resultantly, we direct the respondents to consider the appellant's representation afresh, as directed by the learned Single Judge and to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

7 The writ appeal stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

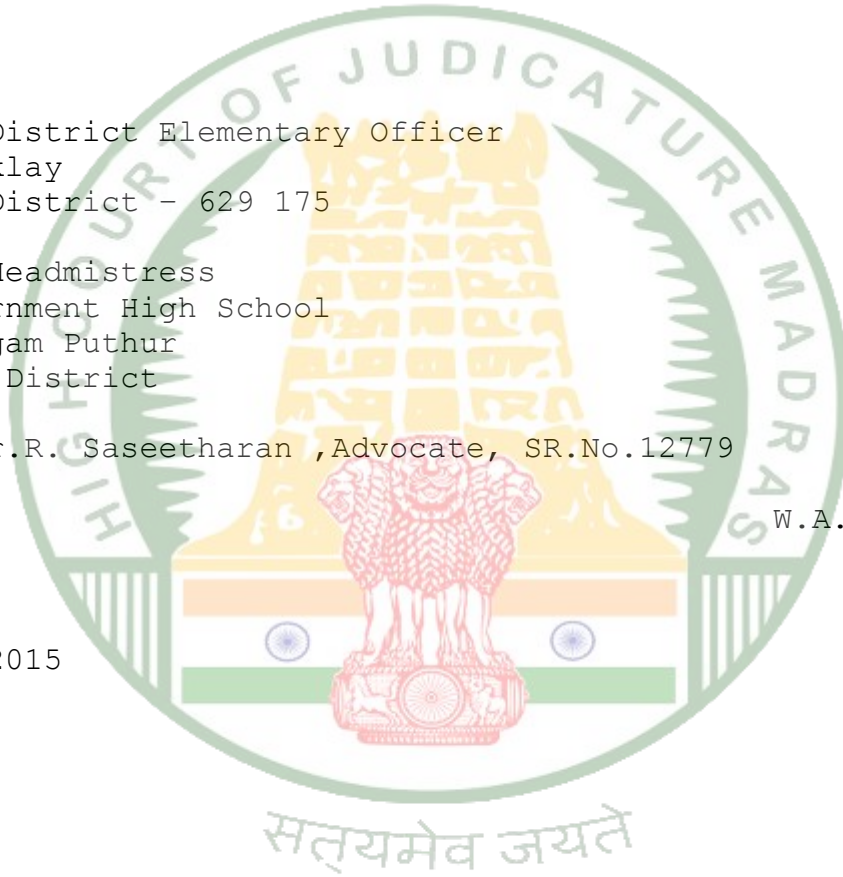
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1 cc to Mr.R. Saseetharan ,Advocate, SR.No.12779

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