

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HON'BLE MR. JUSTICE D. HARIPARANTHAMAN

W.P. No.10432 of 2015

B.Jayanthi Mala

... Petitioner

vs.

1.The District Elementary Educational
Officer, Krishnagiri.

2.The Assistant Elementary Educational
Officer, Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the representation dated 07.02.2015 of the petitioner and to pass orders on merits in accordance with law in the light of the proceedings in Na.Ka.No.3528/A3/2014 dated 13.01.2015 on the file of the first respondent within a time frame that may be fixed by this Court.

For petitioner : Mr.S.Vijayan

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner is working as Secondary Grade Teacher. She claims promotion to the post of B.T. Assistant Science. According to the petitioner, she possess requisite qualification. The petitioner obtained B.Sc., (Physics) degree in Vinayaka Mission University. Originally, the said degree awarded by the Vinayaka Mission University was not recognized by the Government as a eligible qualification for promotion to the post of B.T Assistant.

2.Now, the Government issued G.O.Ms.No.39 Personnel and Administrative Reforms (S) Department dated 30.04.2014 amending the General Rules in Part II of the Tamil Nadu State and Subordinate Services Rules (Volume I of the Tamil Nadu Services Manual, 1987). A copy of the said Government Order has been produced before this Court. In the said Government Order, it is stated that the degree awarded by the Vinayaka Mission University is eligible for appointment and promotion in Government service. In this regard, the petitioner made a representation dated 07.02.2015, to the first respondent to consider her for the post of B.T Assistant Science. But, so far, no action has been taken on the same.

3.Seeking for a direction to the respondents to consider the representation dated 07.02.2015 of the petitioner and to pass orders on merits in accordance with law in the light of the proceedings in Na.Ka.No.3528/A3/2014 dated 13.01.2015 on the file of the first respondent within a time frame that may be fixed by this Court, the petitioner is before this Court with this writ petition.

4.The learned counsel for the petitioner has also relied on a order passed by this Court in W.P.No.29470 of 2014 dated 12.11.2014, wherein, the respondent therein was directed to consider the representation of the petitioner therein. The same was considered by the respondent by his proceedings in Na.Ka.No.3528/A3/2014 dated 13.01.2015 and the petitioner therein was given promotion.

5.In those circumstances, the first respondent is directed to consider and pass orders on the representation of the petitioner dated 07.02.2015 on merits and in accordance with law in the light of G.O.Ms.No.39 Personnel and Administrative Reforms (S) Department dated 30.04.2014 and also taking into consideration the proceedings in Na.Ka.No.3528/A3/2014 dated 13.01.2015 of the first respondent herein, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Lok Adalat)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The District Elementary Educational
Officer, Krishnagiri.

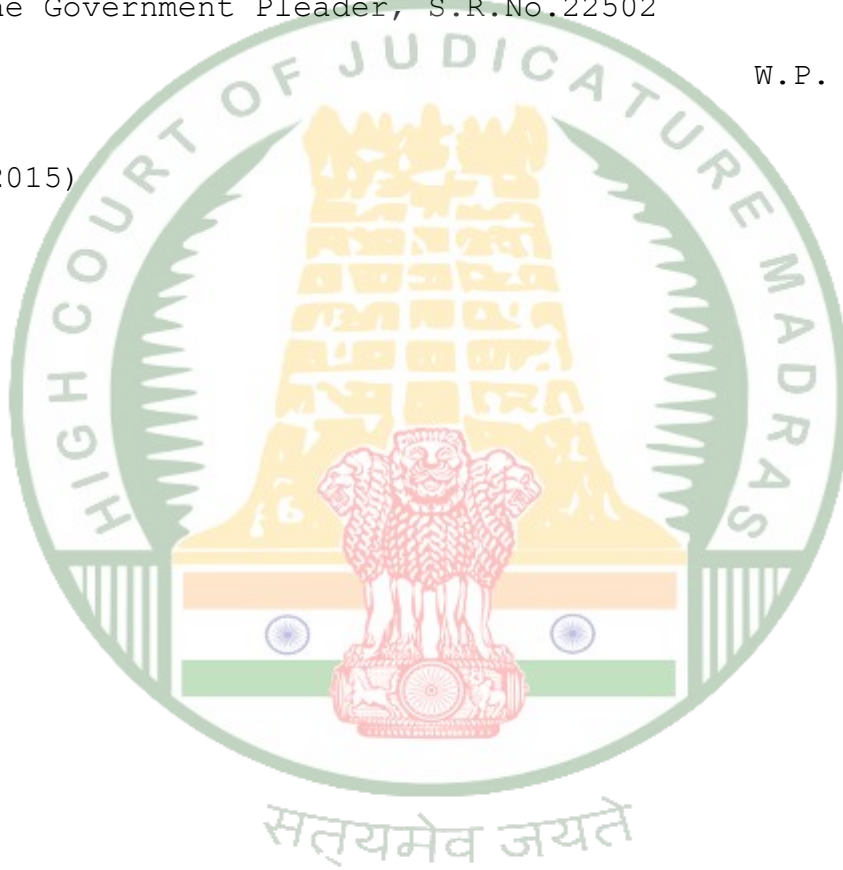
2.The Assistant Elementary Educational
Officer, Krishnagiri.

+lcc to Mr.S.Vijayan, Advocate, S.R.No.22567

+lcc to the Government Pleader, S.R.No.22502

W.P. No.10432 of 2015

GR(CO)
CA(15/05/2015)



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