

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.23252 of 2015

Tmt.S.Nirmala

...

Petitioner

-Versus-

- 1.The Director of Elementary Education,
Chennai 60 006.
- 2.The District Elementary Educational Officer,
Thiruvallur,
Thiruvallur District.
- 3.The Assistant Elementary Educational Officer,
Gummidipoondi, Thiruvallur District.
- 4.The Manager,
A.N.M. Aided Primary School,
Rettambedu,
Gummidipoondi Union,
Thiruvallur District.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the respondents to regularise the services rendered by the petitioner from 01.03.2003 to 16.07.2009 and to declare probation and confer all the consequential benefits such as Selection Grade and Special Grade, by considering his representation dated 19.10.2010 followed by reminders on 06.09.2011, 22.08.2012, 05.10.2013, 07.12.2013, 23.08.2014 and 07.11.2014.

For petitioner : Mr.C.Selvaraj, Senior Counsel
for M/s. C.S. Associates

For respondents : Mr.S.Gunasekaran, GA

ORDER

The petitioner was appointed as a Secondary Grade Teacher in the 4th respondent School, which is an aided Educational Institution, on 10.07.2002.

2. According to the petitioner, though initially the approval for her appointment as Secondary Grade Teacher was

rejected by the 2nd respondent by his order dated 31.12.2002, subsequently as per the interim direction of this court issued on 11.11.2003 in W.P.No.9537 of 2003, a temporary approval was granted w.e.f. 01.03.2003. Later on, she was selected and appointed as Teacher in Government service. Hence, she had to resign her job and join in Government service as Secondary Grade Teacher at Gummidipoondi Panchayat Union Middle School on 17.07.2009.

3. Since the initial appointment of the petitioner as Secondary Grade Teacher in the 4th respondent aided school was approved w.e.f. 01.03.2003, she claims to include her in the pension establishment, according to which, she is entitled for pension as her service was approved from 01.03.2003. Unless her service is regularised and probation is declared for the services rendered in the 4th respondent aided school, the petitioner cannot en-roll her in the old pension scheme.

4. The grievance of the petitioner is that though she made representation as early as on 19.10.2010 followed by several reminders on 06.09.2011, 22.08.2012, 05.10.2013, 07.12.2013, 23.08.2014 and lastly on 07.11.2014, there was no response from the respondents. Hence, she has no other option, except to approach this court by way of this writ petition seeking for appropriate relief.

5. Heard both sides and also perused the records carefully.

6. Though a positive direction is sought for in the writ petition, the learned counsel for the petitioner, during the course of hearing of the writ petition, submitted that the petitioner would be satisfied if a direction is issued to the 2nd respondent to consider the representation of the petitioner for regularisation of her services and for declaration of probation in the 4th respondent aided school.

7. Considering the above submissions made by the learned counsel for the petitioner and the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this court directs the 2nd respondent to consider the representation of the petitioner dated 19.10.2010 on merits and in accordance with law and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

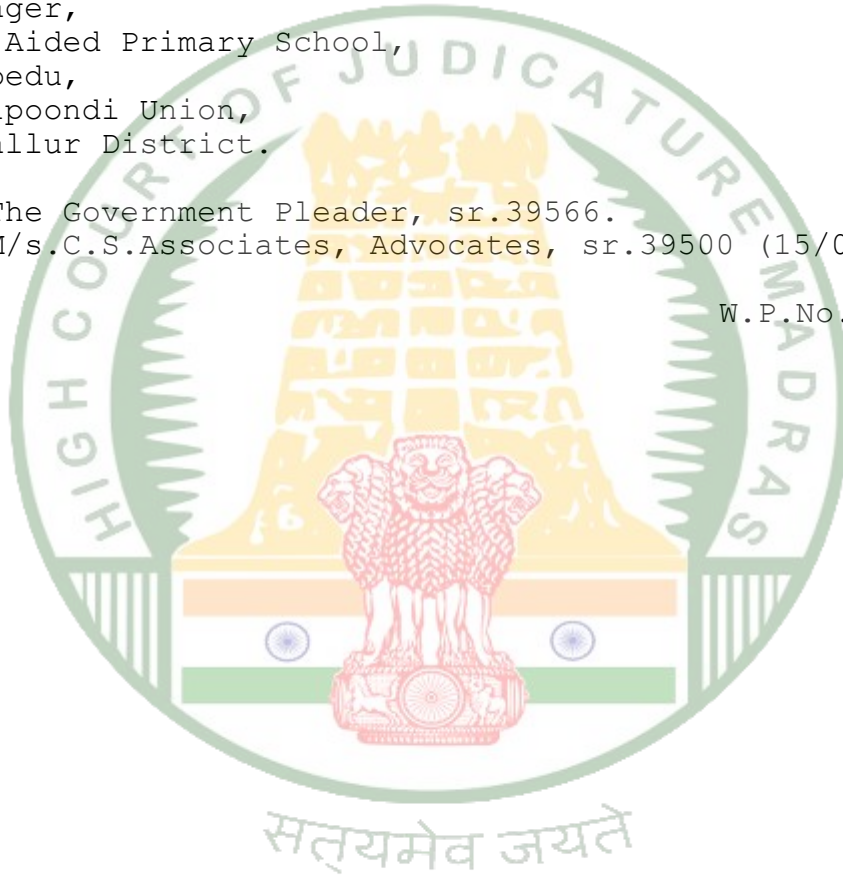
- 1.The Director of Elementary Education,
Chennai 60 006.
- 2.The District Elementary Educational Officer,
Thiruvallur,
Thiruvallur District.
- 3.The Assistant Elementary Educational Officer,
Gummidipoondi, Thiruvallur District.
- 4.The Manager,
A.N.M. Aided Primary School,
Rettambedu,
Gummidipoondi Union,
Thiruvallur District.

+1 cc to The Government Pleader, sr.39566.

+1 cc to M/s.C.S.Associates, Advocates, sr.39500 (15/09/2015)

W.P.No.23252 of 2015

kgk(co)
kra (25/08)



WEB COPY