

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27405 of 2015

Amala Selin

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary
Education Department,
Fort St. George
Chennai- 600 009.
2. The Director of School Education
College Road
Chennai - 600 006.
3. The District Educational Officer
Kallakurichi
Villupuram District.
4. The Central Manager & Chairman
Education Board
D.M. Elementary Higher Elementary School
ALC Campus
Cuddalore District - 607 001.
5. The Head Master
Danish Mission High School
Kariyalur
Kallakurichi Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to grant approval of the appointment of the petitioner as a secondary grade teacher in the 5th respondent School with effect from 01.04.1998 with all service and monetary benefits in the light

of the judgment in Writ Appeal (MD).No. 231 of 2006 (The Secretary to Government of Tamil Nadu Education Department and other -Vs- S.Suganthi Victoria)

For Petitioner : Mr.T.Dharani

For Respondents : Mr.V.Subbiah,
Special Govt. Pleader - for R1 to R4

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed as Secondary Grade Assistant in the 5th respondent School, in the resultant vacancies caused by the voluntary retirement of Mrs.J.Alice Nirmala. She has been appointed as a Secondary Grade Teacher in the 4th respondent school with effect from 1.4.1998. She claims that she has put in hard and sincere services. The petitioner would further states that the Government of Tamil Nadu in G.O.Ms.No.155, dated 3.10.2002 has directed the graduate teachers. who had been appointed in the secondary grade posts, to undergo child psychology training for a period of one month and after completion of training the State Government had been directed to approve the appointment of the teachers. The petitioner would claim that she had been sent for child psychology training for a period of one month commencing from 2.5.2003 to 31.5.2003 and her appointment also approved with effect from 1.6.2003.

3. The grievance now expressed by the petitioner is that her appointment ought to have been regularized with effect from 1.4.1998 i.e., from the date of her initial appointment and in this regard, she has submitted a representation dated 15.04.2015 to the third respondent. Since no orders have been passed, came forward to file this writ petition.

4. T.Dharani, learned counsel for the petitioner drawn attention of this court to the judgment dated 17.08.2006 made in W.A.(MD)No.231 of 2013 and would submit that in similar circumstances, this court directed the official respondent therein to pass appropriate orders regularizing the services of the first respondent/writ petitioner within a period of three months from the date of receipt of a copy of that order. The learned counsel for

the petitioner would submit that since the petitioner is also similarly placed, same benefit may be given to her.

5. Heard the submissions of learned counsel for the petitioner, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the third respondent to consider and dispose of the petitioner's representation dated 15.04.2015 and pass orders, on merits and in accordance with law, in the light of the judgment dated 17.08.2006 made in W.A.(MD)No.231 of 2013, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

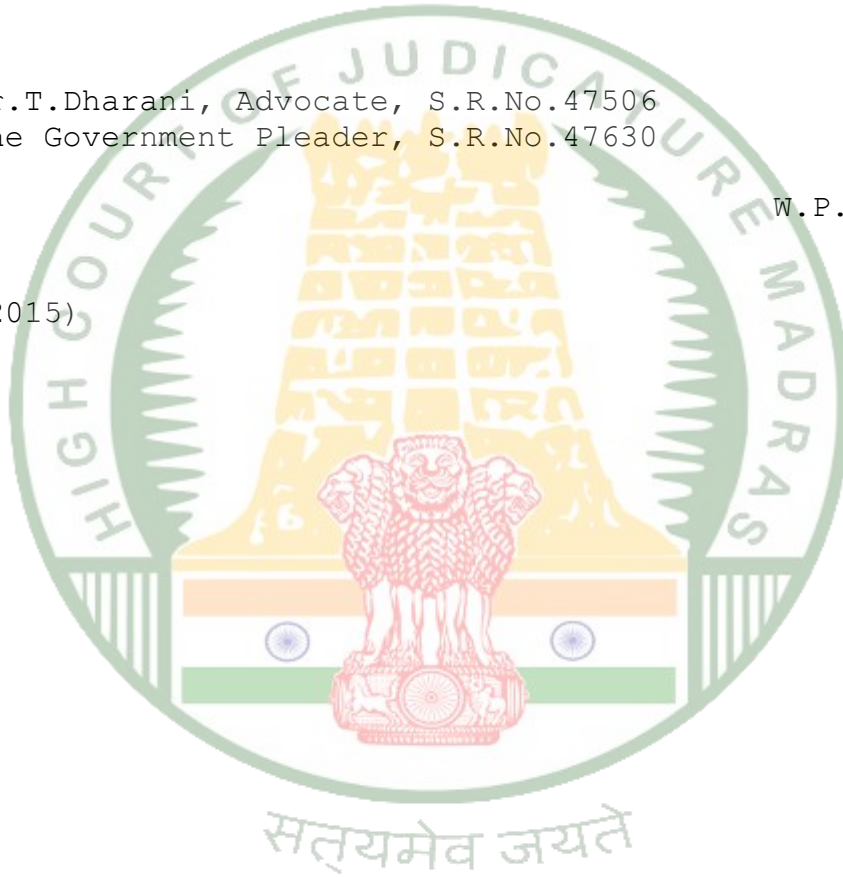
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+1cc to Mr.T.Dharani, Advocate, S.R.No.47506
+1cc to the Government Pleader, S.R.No.47630

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VD(CO)
CA(11/09/2015)



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