

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28584 of 2015

P.Sumathi

.. Petitioner

- Vs -

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.

3. S.Vijaya

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the second respondent herein to consider the representation of the petitioner dated 04.12.2014 by considering the petitioner's Diploma in Teacher Education as having been granted as on 01.08.1994 and accordingly fix the petitioner's seniority on par with the third respondent herein (the petitioner's junior in the employment exchange) and consequently extend the old pension scheme to the petitioner within a time frame to be fixed by this Court.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents 1 & 2 : Mr.S.Gunasekaran
Government Advocate

सत्यमेव जयते

O R D E R

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

2. The petitioner is presently working as Secondary Grade Teacher in the Panchayat Union Elementary School at Kundalakunda, Bargur Union, Krishnagiri District with effect from 19.11.2004 and she would claim that she completed Diploma in Teacher Education during the years 1990-1992 and also wrote her examination in the year 1993. According to the petitioner, the institution in which she undergone teacher education viz., Rosammal Memorial Minority Teacher Training Institute for Women in Tuticorin, is a recognized institution from the year 1986 but however she was not issued with the Diploma in

Teacher Education certificate. The petitioner subsequently got the certificate in the year 2002 and in the light of the fact that the certificate was not produced, the petitioner was denied seniority. The petitioner also filed a writ petition in W.P.No.21920 of 2004 praying for fixing of the seniority taking into account the diploma certificate was issued in the year 1993 and thereafter, she obtained her certificate and therefore the writ petition has become infructuous and was dismissed as withdrawn. The petitioner in this regard, has submitted number of representations and last of such representation was sent on 04.12.2014 and since no response is forthcoming, the petitioner has come forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the orders of this Court made in W.P.No.13931 of 2009 dated 06.04.2011 and W.P.Nos.13155 of 2007 etc. batch dated 22.07.2011 respectively and hence prays for appropriate orders.

4. The Court heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

5. This Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the petitioner to submit one more representation enclosing a copy of this order as well as her earlier representations within a period of two weeks from the date of receipt of a copy of this order to the second respondent and the second respondent on receipt of the same, is directed to consider the same on merits and in accordance with law, after putting on notice the persons concerned and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as the persons concerned. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar(CSIII)
dt:30/10/2015

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Sub-Assistant Registrar

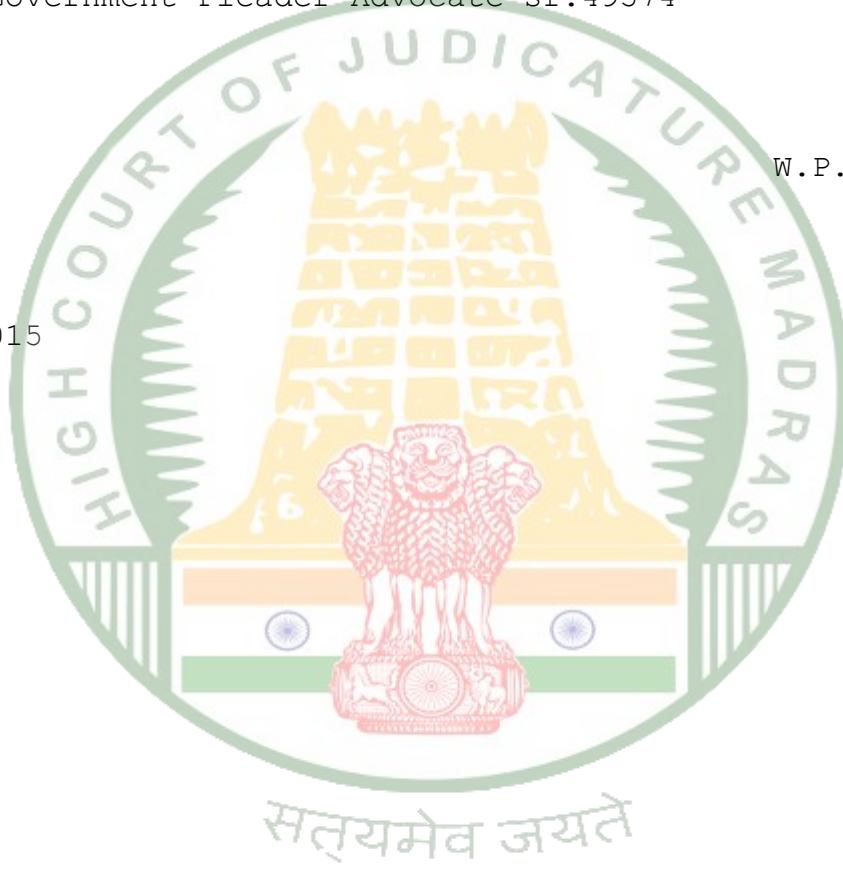
To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.

+1 cc to Mr.Dakshayani Reddy Advocate sr.49631
+1 cc to Government Pleader Advocate sr.49574

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