

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29253 of 2015

And

M.P.No.1 of 2015

A.Renuka

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by Secretary to Government Higher
Secondary Education Department Fort St.
George Chennai - 600 009
 - 2 The Tamil Nadu Public
Service Commission Rep. by its Secretary
Frazer Bridge Road VOC Nagar Park Town
Chennai - 600 003
 - 3 The Bharathidasan
University Rep. by its Registrar Palkalai
Perur Tiruchirapalli - 24
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent herein to grant appointment to the Petitioner as District Educational Officer (Physics) in the Tamil Nadu Education Service notionally w.e.f. 04.03.2014 with all consequential benefits by passing appropriate orders within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.V.Subbiah for R1
Special Government Pleader
Miss.C.N.G.Niraimathi for R2

O R D E R

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

2.The petitioner is having qualification of B.Sc.(Physics), M.Sc.(Physics) and B.Ed., from Manonmaniam Sundaranar University and applied to the Tamil nadu Public Service Commission for

appointment to the post of District Educational Officer and she was also provisionally selected and in the proceedings of the second respondent it was stated that the supplemental selection is subject to the final outcome of the writ petition in W.P.No.20788 of 2013 filed by Tmt.P.Amutha on the file of this Court as well as W.A.(MD) Nos.446 and 447 of 2012. The grievance expressed by the petitioner is that though no interim order is granted in W.P.No.20788 of 2013 and though the writ appeals in W.A.(MD) Nos.446 and 447 of 2012 were dismissed, she is yet to be issued with appointment order and therefore, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that since the petitioner is having all the prescribed qualification, there cannot be any impediment on the part of the respondents to give her appointment in the post of District Educational Officer and prays for appropriate orders.

4.Heard the submissions of Mr.M.Ravi, learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the first respondent and Miss.C.N.G.Niraimathi learned counsel who accepts notice on behalf of the second respondent.

5.It is not in serious dispute that the petitioner is having the prescribed qualification and she was also provisionally selected as District Educational Officer and however, the appointment order could not be given for the reason one Tmt.P.Amutha who was having qualification of M.Sc., has filed writ petition challenging the vires of G.O.Ms.No.45, Higher Education (k2) Department, dated 21.03.2013 in and by which it has been declared that M.Sc. (Applied Physics - Instrumentation) Degree is not equivalent to M.Sc. (Physics) and in the said writ petition, interim orders also have not been granted. It is also the submission of the learned counsel appearing for the petitioner that the writ appeals in W.A.(MD) Nos.446 and 447 of 2012 were dismissed.

6.In the light of the above facts and circumstances, the respondents 1 and 2 are directed to consider the claim of the petitioner for appointment to the post of District Educational Officer in the Tamil Nadu School Educational Service, 2008 on account of the supplemental selection and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government Higher
Secondary Education Department
The State of Tamil Nadu
Fort St. George Chennai - 600 009
 - 2 The Secretary
The Tamil Nadu Public Service Commission
Frazer Bridge Road VOC Nagar Park Town
Chennai - 600 003
 3. The Registrar
The Bharathidasan University
Palkalai
Perur Tiruchirapalli - 24
- 1 cc to M/s. M. Ravi, Advocate, sr. 50894
1 cc to Government Pleader, Sr. 50924

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