

In the High Court of Judicature at Madras

Dated: 01.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31107 of 2015

Tmt. A.Anne Rupa

.. Petitioner

Vs.

1. The Secretary to Govt.,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Directorate of College Education,
DPI Complex, Nungambakkam,
Chennai - 600 006.
3. The Joint Directorate of College Education,
Coimbatore.

.. Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to include the name of the petitioner in the list of Assistants for the year 2006-2007 in appropriate place based on her feeder category seniority viz., Junior Assistant in pursuance of the regularisation of her services w.e.f. 26.06.2000 and grant the petitioner all consequential benefits such as retrospective promotion, arrears of pay, etc.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.Gunaseakaran, G.A.

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner's father while serving in the Army as Nayak Subedar died due to heart attack in the year 1997. Hence, the petitioner was given appointment vide proceedings of the second respondent dated 03.6.2000 as Junior Assistant-cum-Typist under Section 10(a) of the State and Sub-ordinate Services Rules based on the application of her mother. The petitioner claims that he passed all the

Departmental tests and also undergone institutional training at Bhavanisagar Training Institute from 13.10.2007 for a period of 43 days and her probation was also successfully declared on 05.12.2008, with effect from 31.5.2003. The petitioner would state that his Junior, namely, S.Jayashree was given promotion as Assistant on 30.08.2006. Since the petitioner's services in the cadre of Junior Assistant were belatedly regularised with effect from 26.6.2000 and that her probation was successfully declared on 31.5.2003, her claim could not be considered. The petitioner, in this regard, has also submitted a representation dated 30.3.2015 to the second respondent through proper channel and since no orders have been passed, came forward to file the present Writ Petition.

3. Learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court vide orders dated 16.8.2013 and 05.06.2015 in W.P.No.27547 of 2011 and 1010 of 2015 respectively, has directed the concerned respondent to take into consideration the plea made by the petitioners therein to give notional promotion with a condition that the petitioner is not entitled to get any arrears of salary for the promoted post except the seniority and hence prays for appropriate orders.

4. 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.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider the representation of the petitioner dated 30.3.2015 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Govt.,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Directorate of College Education,
DPI Complex, Nungambakkam,
Chennai - 600 006.
3. The Joint Directorate of College Education,
Coimbatore.

+1 C.C. To MR.M.Muthappan, Advocate in SR.NO.53877

+1 C.C. To The Government Pleader in SR.NO.53693

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ND(CO)

sd : 14/10/2015



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