

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.27045 of 2014

and

MP.No.1 of 2014

G.Heera Khatoon

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Department of Education,
St. George Fort,
Chennai -600 009.

2.The Director of School Education,
Office of the Directorate of School Education,
College Road,
Chennai -600 006.

3.The District Educational Officer (East)
Chennai East, Choolaimedu,
Chennai -600 094.

4.The Correspondent,
The Muslim Higher Secondary School,
278, Triplicane High Road,
Triplicane,
Chennai -600 005.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to take on its files the letter dated 24.09.2014 wherein the equivalent certificate of Siksha Visharad Sahithya Sammelan Prayag have been enclosed and consequently to approve the petitioner's appointment as P.G. Assistant (Hindi) in the fourth respondent school in the sanctioned retirement vacancy of Thiru.K.Abdul Aleem, Special Grade P.G. Assistant (Hindi), with effect from 01.07.2011 and to pay

salary and all other monetary benefits with effect from 01.07.2011.

For Petitioner : Mrs.A.V.Bharathi for
M/s.E.Martin Jeya Kumar

For R1 to R3 : Mr.A.Kumar, SGP

For R4 : Mr.B.R.Sankaralingam

ORDER

The petitioner has filed this writ petition for a Mandamus, to direct respondents 2 and 3 to take on its files the letter dated 24.09.2014, wherein the equivalent certificate of Siksha Visharad Sahithya Sammelan Prayag has been enclosed and consequently to approve the petitioner's appointment as P.G. Assistant (Hindi) in the fourth respondent school in the sanctioned retirement vacancy of Thiru.K.Abdul Aleem, Special Grade P.G. Assistant (Hindi), with effect from 01.07.2011 and to pay salary and all other monetary benefits with effect from 01.07.2011.

2.The case of the petitioner is as follows:

2.1 The petitioner possessed M.A., B.Ed. and M.Phil degrees in Hindi. She was appointed as teacher in Anjuman Matriculation Higher Secondary School, Chennai from 05.06.2000 to 30.06.2011. Thereafter, she was appointed as PG Assistant (Hindi) in the vacancy caused due to the retirement of one K.Abdul Aleem, on 01.07.2011. Though the petitioner possessed required qualification and was discharging her duties diligently and sincerely, the respondents have not approved her post as PG Assistant (Hindi) from 01.07.2011 till date. However, the fourth respondent allowed the petitioner to work as PG Assistant (Hindi) from 04.06.2012 to till date.

2.2 Though the post of the similarly placed person has been approved by the respondent-officials, the petitioner's post was not approved. Hence, she made representation dated 21.10.2013 to the second respondent, requesting to approval of her post as PG Assistant (Hindi) from 01.07.2011. As there was no response, she has filed a writ petition in WP.No.2305/2014. By order dated 29.01.2014, the said writ petition was disposed of, by directing the respondents therein to consider her representation within a period of six weeks.

2.3 Pursuant to the order of this Court, the second respondent by his letter in Na.Ka.No.11859/W5/E2/2014 dated Nil.03.2014 had instructed the third respondent to get necessary details about qualification and equivalent certificate for approving the post of PG Assistant (Hindi) in favour of the petitioner from the fourth respondent. On receipt of the same, the third respondent informed that the fourth respondent School has not forwarded the requisite documents sought for by respondents 2 and 3 for approving the petitioner's post and further clarified that respondents 2 and 3 have not rejected the request of the petitioner. Thus, the petitioner understood that the fourth respondent, in order to accommodate one Mujeeb Sultana in the place of the petitioner, had failed to forward the equivalent certificate of the petitioner to the third respondent. Therefore, she made a representation dated 24.09.2014 enclosing the required documents sought for by the official respondents. Finding no response, the petitioner has come up with the present writ petition for the above stated relief.

3.Today, when this writ petition came up for hearing, learned counsel for the fourth respondent submitted that one A.Mujeeb Sultana who is working as PG Assistant (Hindi) in the fourth respondent School, in the place of the petitioner, has expressed her no objection for according sanction to the post of PG Assistant (Hindi) in favour of the petitioner. She has also filed an affidavit dated 22.06.2016 to that effect.

4.In view of the subsequent development, respondents 2 and 3 are directed to consider the representation of the petitioner dated 24.09.2014 with regard to approval of her appointment as PG Assistant (Hindi) in the fourth respondent school, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties and pass appropriate orders, on merits and in accordance with law and also in the light of no objection expressed by the said A.Mujeeb Sultana, within a period of thirty days from the date of receipt of a copy of this order.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Secretary to Government,
Department of Education,
Fort St. George,
Chennai -600 009.

2.The Director of School Education,
Office of the Directorate of School Education,
College Road,
Chennai -600 006.

3.The District Educational Officer (East)
Chennai East, Choolaimedu,
Chennai -600 094.

+ 1 cc to Mr.B.R.Shankaralingam, Advocate SR NO 36936

+1 cc to Government Pleader SR NO 37501

+ 1 cc to Mr.E.Martin Jeyakumar, Advocate SR NO 37119

W.P.No.27045 of 2014

RV[CO]
GP/21.7.

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