

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.19130 of 2016

S.Rajaraman

.. Petitioner

Vs.

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

2.The Director of School Education
College Road
Chennai-600 006.

3.The Joint Director of School Education (Personnel)
College Road
Chennai-600 006.

4.The District Elementary Educational Officer
Cuddalore
Cuddalore District.

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation of the petitioner, dated 20.02.2016 positively and to transfer the petitioner to the post of Junior Assistant, within a time frame fixed by this Court.

For Petitioner

:Mr.S.Haja Mohideen Gisthi

For Respondents

:Mr.M.Dig Vijaya Pandian
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation of the petitioner, dated 20.02.2016, to transfer him

to the post of Junior Assistant, within a time frame to be fixed by this Court.

3. The petitioner's father was working as Headmaster, Panchayat Union Elementary School, Kattumannarkoil Panchayat Union, and he died in harness, on 30.05.2003. The petitioner was appointed as Driver, on compassionate ground, on 30.10.2008, in the office of the District Elementary Educational Officer, Cuddalore. Even at the time of appointment, the petitioner possessed the requisited qualification required for the post of Junior Assistant. Hence, the petitioner made a representation, dated 20.02.2016, to transfer him to the post of Junior Assistant. As there is no response, the present Writ Petition has been filed.

4. Mr.S.Haja Mohideen Gisthi, the learned counsel for the petitioner would bring to the notice of this Court, the order passed by this Court in W.P.No.10248 of 2015, wherein, in similar circumstances, this Court has passed an order, on 23.04.2015, allowing the Writ Petition to the extent that the petitioner shall be appointed to the post of Junior Assistant under the vacancy that would arise in future. Further, it was observed in the said order that the petitioner's claim should be considered, after considering the claim of persons, who are in the waiting list prior to the petitioner. Placing reliance on the said order, the learned counsel would submit that the 2nd respondent may be directed to consider the representation of the petitioner, dated 20.02.2016, and pass appropriate orders, in the light of the order passed by this Court in W.P.No.10248 of 2015, dated 23.04.2015.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader, who takes notice on behalf of the respondents, pointed out that the representation is pending.

6. Considering the above submission of the learned counsel for the petitioner, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioner, dated 20.02.2016, and pass appropriate orders, in the light of the order passed by this Court in W.P.No.10248 of 2015, dated 23.04.2015, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

paa

To

- 1.The Principal Secretary to the Government
Education Department
Fort St.George
Chennai-600 009.
- 2.The Director of School Education
College Road
Chennai-600 006.
- 3.The Joint Director of School Education (Personnel)
College Road
Chennai-600 006.
- 4.The District Elementary Educational Officer
Cuddalore
Cuddalore District.

1 cc to Mr.S. Hajamohideen Gisthi, Advocate, Sr. 30309
1 cc to Government Pleaer, SWr. 30526

सत्यमेव जयते

W.P.No.19130 of 2016

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