

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.4352 of 2016

1. S.Usha Kumari
2. M.Rani
3. Y.Sugitha
4. A.Mariya Selvi
5. J.Mary Selvi
6. R.Raja Kumari
7. G.Rigi Kala
8. M.Murugan
9. A.Prasheela
10. K.P.Saratha Little Gracy
11. S.Sheeba
12. C.Vijula
13. P.Annakumari
14. S.Darling Vijaya Kumari
15. M.Anitha
16. C.Vimala Rani
17. S.Delphin
18. T.Latha
19. R.Sunitha
20. A.Saravanan
21. V.Leema
22. N.Femila
23. C.Mary Pushpalatha

.. Petitioners

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary School Education
Department Fort St. George Chennai-9.
- 2 The Director of School
Education DPI Campus College Road
Nungambakkam Chennai-6
- 3 The District Collector-cum-
Chairman Continuing Education Scheme
Kanyakumari District Kanyakumari ..

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to forthwith consider and pass orders on the representation of the petitioners dated 13.07.2015 for giving preference to the petitioners in the appointment to the lower cadre posts such as Laboratory Assistants, Office Assistants etc. in future by taking into account the fact that they are serving in various Non-formal Education Schemes for about twenty years.

For petitioner : Mr. K.Selvaraj

For respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

This writ petition has been filed by 23 persons, who have been appointed by the respondents for the purpose of carrying out "Arivoli Iyakkam" and "Continuing Education Scheme, seeking direction to the respondents 1 and 2 to forthwith consider and pass orders on the representation of the petitioners dated 13.07.2015 for giving preference to the petitioners in the appointment to the lower cadre posts such as Laboratory Assistants, Office Assistants etc. in future by taking into account the fact that they are serving in various Non-formal Education Schemes for about twenty years.

2. The petitioners were appointed under Shakshar Bharat Scheme in the year 1993 to teach the uneducated persons from the age group of 15 to 35 years in the villages and till date they are continuously working under the said scheme. Since the petitioners are getting meagre salary, they submitted a representation to the respondents requesting them to absorb them in service either in the Education Department or in any other Department by taking into account of their 20 years of service. Since the said representation has not been considered by the respondents, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioners submitted that the petitioners are working under the Scheme for more than 20 years and therefore, the petitioners have submitted a representation for giving preference to them for appointment to the lower cadre positions such as Laboratory Assistants, Office Assistants etc., in future by taking into account of the fact that they have served in the various Non-formal Education. The learned counsel for the petitioner further submitted that when similarly placed persons approached this Court in W.P.No.39176 of 2015, this Court, by order dated 14.12.2.2015, has given

direction to the first respondent therein, namely, the Secretary of School Education Department, to consider and dispose of their representation on merits and in accordance with law. Therefore, the learned counsel sought for similar order in this writ petition also.

4. Mr.S.Gunasekaran, learned Government Advocate, who took notice for the respondents, submitted that the second respondent is in no way connected with the case. Further, the learned Government Advocate Sought twelve weeks time to consider the petitioners' representation.

5. The submission made by the learned Government Advocate is recorded.

6. It is an admitted fact that the petitioners are working under "Arivoli Iyakkam" and Continuing Education Programme/ Scheme for the past 20 years. Since the similarly placed persons have already filed W.P.No.39176 of 2015 and this Court, by order dated 14.12.2015, has given direction to the first respondent therein to consider and dispose of the representation of the petitioners therein, this Court is inclined to pass the same order in this writ petition.

7. Accordingly, this Court, directs the first respondent to consider and pass orders on the pending representation dated 13.7.2015, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

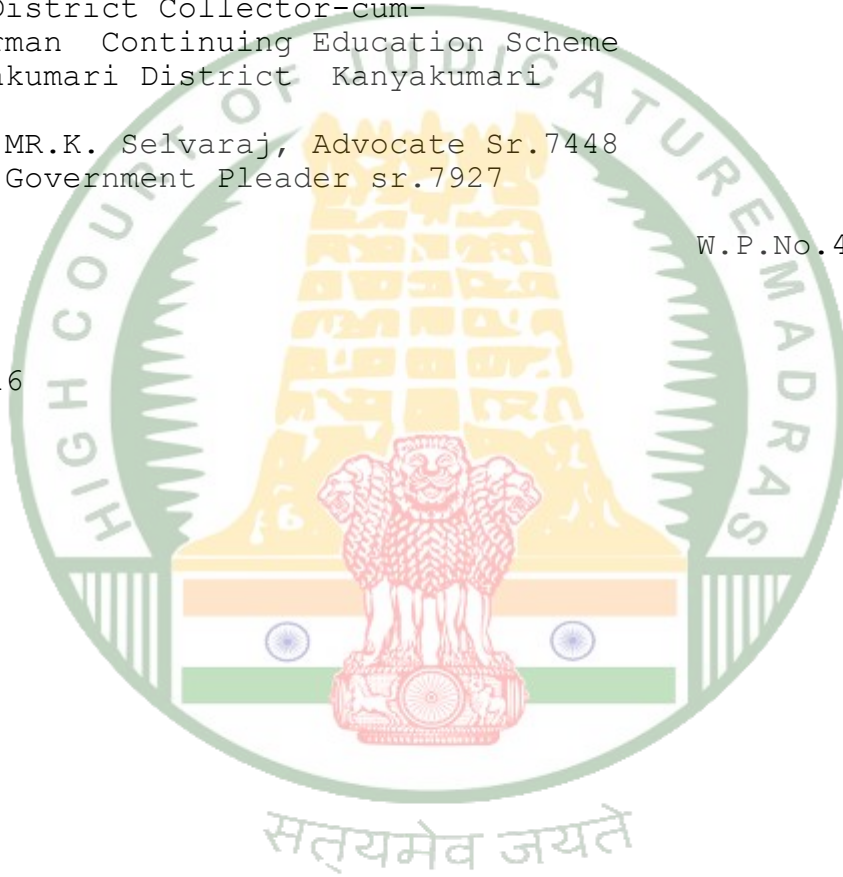
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To

- 1 The Secretary School Education
Department Fort St. George Chennai-9.
 - 2 The Director of School
Education DPI Campus College Road
Nungambakkam Chennai-6
 - 3 The District Collector-cum-
Chairman Continuing Education Scheme
Kanyakumari District Kanyakumari
- + 1 cc to MR.K. Selvaraj, Advocate Sr.7448
+ 1 cc to Government Pleader sr.7927

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VGI (CO)
EU 03.03.16



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