

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.5012 of 2016

Maheswari

... Petitioner

-vs-

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

2.The Chief Educational Officer,
Raja Street, Coimbatore-641 001.

3.The District Educational Officer,
Coonoor, Nilgiris District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent - the Director of School Education, Chennai to pass orders on the petitioner's representation dated 01.10.2015 allowing her to continue in the Teachers Provident Fund Scheme.

For Petitioner : Mr.S.Giridharan

For Respondents: Mr.P.Chinnadurai,
Government Advocate

O R D E R

The writ petition has been filed by the petitioner seeking direction to the Director of School Education, Chennai/the first respondent herein to pass orders on the petitioner's representation dated 01.10.2015 allowing her to continue in the Teachers Provident Fund Scheme.

2.The case of the petitioner is that she was appointed as B.T. Assistant on 02.02.2008 by the Joint Director of School Education i.e. his order Na.Ka.No.3327/C2/E1/2008 through Teachers Recruitment Board. The Joint Secretary, Finance (Pension) Department, Chennai, by his Government Letter No.43459/Finance (Pension)/08 dated 31.07.2008, has issued instructions that those, who joined service before 01.04.2003, should be regularised, however, candidates selected through the Employment Exchange or Teachers Recruitment Board and appointed in Government or Government Aided Schools on or after 01.04.2003, without any break of service, are entitled to

continue in the old retirement scheme. After coming to know about the Government letter dated 31.07.2008, she made a representation, through the Headmaster, Government Higher Secondary School, Goduvai, to the Auditor and Accountant General, Chennai-6, with a request to allow her to continue in the TPF on 10.03.2010. Since there was no response, she made several representations to the respondents 1 and 2. Again she has sent a detailed representation dated 10.07.2013 to the respondents. The third respondent, by his proceedings dated 11.03.2014, has directed the petitioner to furnish the particulars with regard to her break of service, if any. Thereafter, the second respondent, by his communication dated 05.01.2015, has recommended to the first respondent to pass orders condoning the break in service. In spite of the above recommendation by the second respondent, the first respondent did not pass orders allowing her to continue in the old TPF scheme. Hence, she made a detailed representation on 01.10.2015. Since there was no response from the respondents till date, the petitioner is before this Court.

3.Heard Mr.S.Giridharan, learned counsel appearing for the petitioner and Mr.P.Chinnadurai, learned Government Advocate appearing for the respondents.

4.In the light of the limited relief sought for in the writ petition, the first respondent is hereby directed to consider the petitioner's representation dated 01.10.2015 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vga

To

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

2.The Chief Educational Officer,
Raja Street, Coimbatore-641 001.

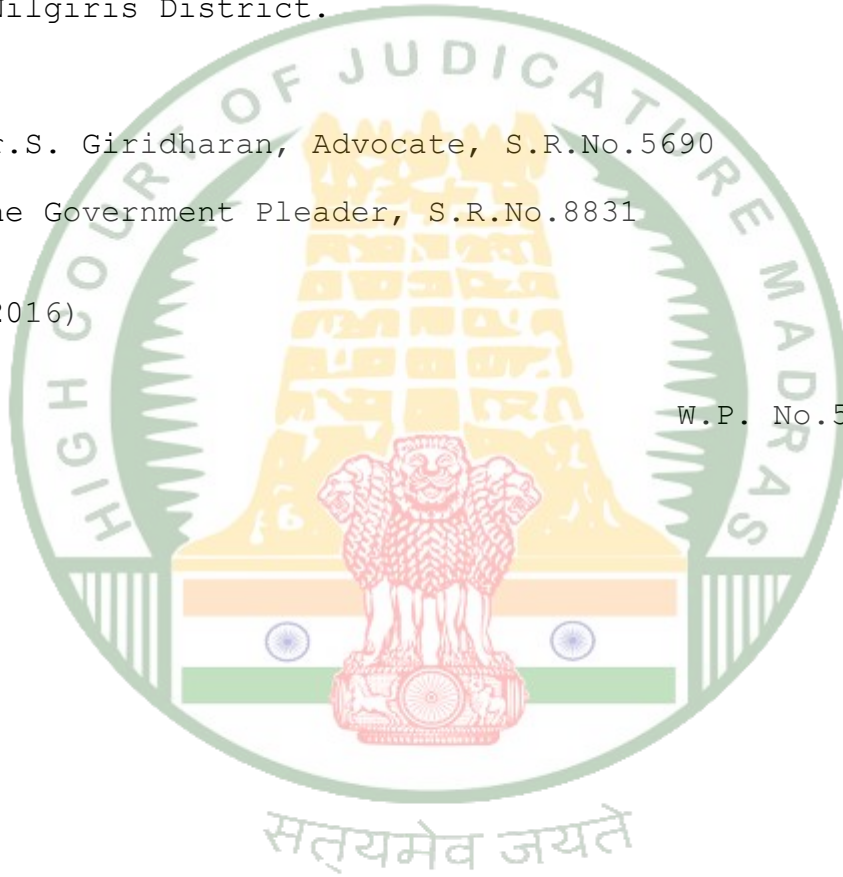
3.The District Educational Officer,
Coonoor, Nilgiris District.

+1cc to Mr.S. Giridharan, Advocate, S.R.No.5690

+1cc to the Government Pleader, S.R.No.8831

RSY(CO)
EU(17/03/2016)

W.P. No.5012 of 2016



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