

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.741 of 2016

M.Anisha Nilofer

...Petitioner

Vs

- 1.The Secretary to Government,
High Education (D2) Department,
Fort St.George, Chennai 600 009.
 - 2.The Director of Collegiate Education,
College Road, Chennai 600 006.
 - 3.The Joint Director of Collegiate Education,
College Road, Chennai 600 006.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to revise the seniority of the petitioner as Assistant by fixing her seniority in the appropriate place by including her name in the panel of Assistant for the year 2012-13 at par her junior R.Vijayabharathi who was promoted as Assistant on 05.10.2012 in the light of the representation made by her dated 05.05.2014 and 30.01.2015 with a reasonable time.

For Petitioner : Mr.K.Venkataramani
Senior Counsel

for Mr.M.Muthappan

For Respondents : Mr.N.Srinivasan, AGP

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The case of the petitioner is that her father, Madhar Mohideen, who was working as a Professor in the Dr.Ambedkar Government Arts College, Chennai, died in harness on 13.03.2002. The petitioner was appointed on compassionate ground as Junior Assistant vide proceedings of the Joint Director of Collegiate Education/third respondent in Na.Ka.No.042676/A4/2008 dated 06.11.2008. The petitioner joined as Junior Assistant on 07.11.2008, however, due to the ban on recruitment from the year 2001 to 2006, her service was regularised only on 29.10.2012. In the meanwhile, she undergone the foundation course training at Bhavanisagar Institute from 19.02.2013 to 19.04.2013.

3. The grievance of the petitioner is that due to administrative delay on the part of the respondents, she was not given due promotion as Assistant at par with her junior Vijayabharathi. Therefore, she made representations dated 05.05.2014 and 30.01.2015 to the second respondent to revise the seniority at par with her junior, Vijayabharathi. Since the said representations were not considered by the second respondent, he came forward to file this writ petition.

4. Heard the submissions of Mr.K.Venkataramani, Senior Counsel appearing for the petitioner and N.Srinivasan, Additional Government Pleader who accepts notice on behalf of the respondent.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider the representations of the petitioner dated 05.05.2014 and 30.01.2015 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.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.The Secretary to Government,
High Education (D2) Department,
Fort St.George, Chennai 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai 600 006.
- 3.The Joint Director of Collegiate Education,
College Road, Chennai 600 006.

+ 1 cc to Mr. Government Pleader Sr.1811
+ 1 cc to Mr. M. Muthuppan, Advocate SR.1661

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VS (CO)
EU 20.1.16