

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.7860 of 2016

M.R.Balasubramanian

.. Petitioner

-vs-

1.The Director of School Education,
Elementary Directorate,
DPI - College Road,
Nungambakkam, Chennai-600 006.

2.The Assistant Elementary
Educational Officer,
Thali Union and Post - 635 118,
Thenkanikottai District,
Krishnagiri District.

3.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-600 006.

4.District Elementary Educational Officer,
Krishnagiri Post 635 001
Krishnagiri Taluk.

5.The Headmaster,
Panchayat Union Secondary School,
Thottamanji Post, Thali Union,
Thenkanikottai Taluk,
Krishnagiri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.10.2015, 11.11.2015 and 26.12.2015 to regulate the appointment of the petitioner with retrospective effect from the period 24.11.2009 with all consequential benefits.

For petitioner : Mr.R.Nirmala Devi

For respondents : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner, M.R.Balasubramanian, seeking a direction to the respondents to consider the petitioner's representation dated 11.10.2015, 11.11.2015 and 26.12.2015 and to regulate the appointment of the petitioner with retrospective effect from the period 24.11.2009, with all consequential benefits.

2.The case of the petitioner is that the petitioner has appeared before the fourth respondent for certificate verification on 07.10.2009, as directed by the third respondent and he has produced all the certificates. Accordingly, the fourth respondent herein verified all the original certificates of the petitioner and found eligible and got signatures from the petitioner that he was fully eligible to be selected. As there was no response from the third respondent, the petitioner submitted representations on 07.12.2009, 17.12.2009, 18.12.2009 and 19.01.2010. But the third respondent has not given proper reply about the selection. However, the petitioner came to know the fact that the third respondent had selected several persons those who had attended certificate verification along with the petitioner. Since the petitioner's claim was not considered, he preferred W.P. No.29487 of 2010, seeking for a mandamus. While pending writ petition, the third respondent, by their letter dated 13.12.2010, informed the petitioner that his name was missed, while entering in the computer and therefore the petitioner's name was not sent to the first respondent for appointment and since the list for the year 2009-2010 expired on 25.11.2009, fresh list has been called for from the employment exchange and whenever the list has been received, the petitioner's name would be selected for the next recruitment as a first person in SC-ICM category.

3.This being the position, this Court in the said W.P. No.29487 of 2010, has passed the order as follows:

"In my considered view, as and when the petitioner is selected as a Secondary Grade Assistant, it is always open to him to make appropriate claim before the concerned respondent regarding seniority."

In view of the said order, the second respondent has issued a order dated 07.07.2015 vide Na.Ka.No.419/1/2015 with regard to petitioner's appointment. As the respondents deny all the benefits for the period from 2010 to 2015, the petitioner made several representations dated 11.10.2015, 11.11.2015 and 26.12.2015. But till date no action has been taken by the respondents. Therefore, he is before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice on behalf of the respondents.

5. Considering the facts and circumstances of the case, the second respondent is directed to consider the petitioner's representation dated 11.10.2015, 11.11.2015 and 26.12.2015 and forward the same to the fourth respondent, who in turn, shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Director of School Education,
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Thottamanji Post, Thali Union,
Thenkanikottai Taluk,
Krishnagiri District.

+1cc to M/s. R. Nirmala Devi, Advocate, S.R.No.13530

+1cc to the Government Pleader, S.R.No.14015

BVR(CO)

EU(06/04/2016)

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