

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4086 of 2017

S.Muthulakshmi

..Petitioner

Vs

1. The State of Tamilnadu,
rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort st.George,
Chennai - 600 009.

2.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pass orders on the Appeal Petition submitted by the petitioner dated 12.06.2016 and to revise the seniority of the petitioner in the post of Assistant by including her name in the panel for the year 2003 and further to rectify the fixation of seniority as per the orders of 2nd respondent issued in Na.Ka.No.65243/P1/2013 dated 11.02.2016 and further proceedings in Na.Ka.No.65243/P1/2013-4 dated 25.04.2016 and consequently restore the seniority of the petitioner in the post of Assistant with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The petitioner would aver that she was appointed as a Typist through selection process done by the Tamil Nadu Public Service Commission (TNPSC) in the Tamil Nadu Collegiate Education service on 18.06.1990 and the next avenue for promotion is to the post of Assistant and based on the seniority and eligibility, her name was included in the panel for the year 2000 and she was issued with the order of promotion on 31.07.2000. The petitioner, due to family circumstances, relinquished her promotion and accordingly, it was accepted and approved by the proceedings of the Director of Collegiate Education, Chennai dated 28.11.2000. According to the petitioner, her relinquishment relates to 3 years, namely 2000, 2001 and 2002 and thereafter, she is eligible to be included in the panel of 2003 to be prepared as on 15.03.2003. However, her name was not included in the said panel on the premise that the period of relinquishment operate till 24.10.2003 which according to the petitioner is unsustainable. However, the names of number of juniors to the petitioner have been included in the panel for the year 2003 and three of her juniors were given promotion as Assistants overlooking her seniority.

3. The grievance now expressed by the petitioner is that Tmt.K.Rajeswari who got appointed on 24.10.1994 as Junior Assistant was initially included in the seniority list below her in Serial No.34 all these years. However, vide proceedings of the 2nd respondent dated 11.02.2016, Tmt.K.Rajeswari was placed above in the senior list in Serial No.2 and the petitioner's name is in Serial No.34. In this regard, the petitioner submitted a representation dated 24.03.2016 to the 2nd respondent and it was rejected on 25.04.2016 on the ground that Tmt.K.Rajeswari has cleared the Departmental Test by May, 1999. According to the petitioner, the said reason is factually incorrect as the petitioner has passed the Departmental Test even in 1994 itself and the said fact has been omitted to be considered. In this regard, she also submitted an appeal petition/memorandum dated 12.06.2016 to the 1st respondent through proper channel. Despite receipt and acknowledgement, no orders have been passed. Hence, she came forward to file this writ petition.

4. Heard the submission of the learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5. Though the petitioner prays for a larger relief, this Court, in this light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in the Appeal Petition/ Memorandum or in the writ petition, directs the first respondent to dispose of the Appeal Petition/ Memorandum dated 12.06.2016 received through proper channel on merits and in accordance with law after

putting on notice to Tmt.K.Rajeswari who is working as Superintendent, Thiruvallur Government Arts College, Rasipuram, Namakkal District, and pass orders with a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as Tmt.K.Rajeswari. The writ petition is disposed of accordingly. No costs.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

Note:

Registry is directed to mark a copy of this order to Mrs.K.Rajeswari Superintendent, Thiruvallur Government Arts College, Rasipuram, Namakkal District, To

1. The Principal Secretary to Government, Higher Education Department, Secretariat, Fort st.George, Chennai - 600 009.
- 2.The Director of Collegiate Education, DPI Campus, College Road, Chennai - 600 006.
3. Mrs.K.Rajeswari Superintendent, Thiruvallur Government Arts College, Rasipuram, Namakkal District,

+ one cc MR.G.Sankaran, Advocate SR.NO.11022
+ one cc Govt. Pleader SR.NO.11155

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AK[CO]
RRI 06/03/2017