

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.02.2017
CORAM
THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
W.P. No. 4135 of 2017

R. Pazhanisamy

..Petitioner

Vs.

1. State of Tamil Nadu rep. by its
Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. Director of School Education,
Chennai - 600 006.
3. Chief Educational Officer,
Salem, Salem District.
4. District Educational Officer,
Salem, Salem District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 4th respondent to forward the papers to the 2nd respondent and regularise the services of the petitioner in the cadre of Junior Assistant, sanction annual increments, revision of scale of pay as per the Pay Commission recommendations, award Selection Grade and Special Grade accordingly and confer all the consequential benefits by considering the representation dated 19.09.2016 made by the petitioner.

For Petitioner :: Mr.P. Ganesan

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

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

3. The petitioner, would aver, among other things, that his father Raman was working as an Office Assistant in the service of Municipal Higher Secondary Girls School, Salem -1 and he died in harness during the year 1984. The petitioner got appointment to the very same post on compassionate ground on

24.04.1989 and he joined the said post on 28.04.1989 and his services were also regularised in the cadre of Office Assistant. The petitioner submitted a representation requesting that since he has passed SSLC, he may be appointed as Junior Assistant. Since the said post comes under the purview of Tamil Nadu Public Service Commission, the 1st respondent has to accord relaxation. The proposal sent in this regard was returned by the 3rd respondent directing the 4th respondent to forward the papers directly to the 2nd respondent and thereafter, the 4th respondent did not forward the papers directly to the 2nd respondent so as to enable the 2nd respondent to again forward the papers to the 1st respondent. Since the 4th respondent is yet to take action, the petitioner came forward with the present writ petition.

3. Heard Mr.P. Ganesan, learned counsel for the petitioner and Mr.K. Dhananjayan, learned Special Government Pleader for the respondents.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 4th respondent to act on the communication of the 3rd respondent in Na.Ka. No. 19499/m2/2016 dated 18.01.2017 and if the papers are otherwise in order, forward a proposal to the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, shall consider and if the papers are in order, forward the same to the 1st respondent, within a period of four week thereafter and the 1st respondent, on receipt of the same, shall consider the same and pass orders, on merits and in accordance with law, within a further period of eight weeks thereupon and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. Director of School Education,
Chennai - 600 006.

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3. Chief Educational Officer,
Salem, Salem District.
4. District Educational Officer,
Salem, Salem District.

+1 cc to Government Pleader sr 11161
+1 cc to M/s.C.S.Associate Advocate sr 11125

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