

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5204/2017 & WMP No.5528/2017

Mrs.N.Punithavathy .. Petitioner

Vs.

1. State of Tamilnadu Rep. by
The Secretary to Government
Technical Higher Education Department,
Secretariat, Chennai - 9

2. The Commissioner/Director of Technical Education,
Technical Education,
Directorate of Technical Education,
Guindy - 25

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to
transfer and post the petitioner in Electronics and Communication
Department in which she was appointed as per G.O.Ms.No.111, Higher
Education [C2] Department dated 25.05.2010.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.V.Anandamoorthy, AGP [Edn]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy , learned Additional Government Pleader [Edn] accepts notice on behalf of the respondents.

2 The petitioner, in the affidavit filed in support of this writ petition would state among other things that she had passed B.E. [Electronics and Communication] during May 1995 with I class and M.E. [Applied Electronics] during May 2012 and she was also selected and appointed to the post of Lecturer in Electronics and Instrumentation Engineering on contract basis and joined service on 10.12.1998 and she claims that she has served in that capacity continuously from 10.12.1998 to 12.07.2006 with artificial breaks and vide Government Orders dated 30.01.2006 and 15.06.2006 respectively, the 2nd respondent has passed an order dated 13.07.2006 regularising her services with effect from 13.07.2006 and by virtue of the same, she became a regular employee. The petitioner would further state that since she is qualified in "Electronics and Communication" Engineering, she had submitted series of representations to post her in that relevant Department and also seek regularisation from the date of her initial appointment and despite receipt and acknowledgment, no orders have been passed and therefore, the petitioner is constrained to approach

this Court by filing this writ petition.

3 The learned counsel for the petitioner would submit that the claim of the persons similarly placed, viz., P.Saradha, G.V..Manoharan , has been positively considered by the 2nd respondent vide order dated 05.11.2012 and in the light of the same, there cannot be any impediment on the part of the respondents to consider the petitioner's claim positively and prays for appropriate orders.

4 Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondents would submit that the petitioner having accepted the initial contractual basis appointment as a Lecturer in Electronics and Instrumental Engineering, she cannot turn around that she should be accommodated in Electronics and Communication Engineering and insofar as regularisation from the date of initial appointment is concerned, the discretion is vest with the Appointing Authority and would add that the representation submitted by the petitioner will be given disposal in accordance with law at an early date.

5 This Court, after considering the rival submissions is of the view that it would be suffice to direct the 2nd respondent to pass

orders on the representation submitted by the petitioner in accordance with law as expeditiously as possible.

6 In the result, the writ petition is disposed of and the 2nd respondent, after putting the concerned person/s on notice, is directed to consider and disposed of the petitioner's representations dated 16.12.2016, 22.12.2016 and 21.02.2017 on merits and in accordance with law and pass orders within 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 to the person/s concerned.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

02.03.2017

Index : No

Internet : Yes

AP

To

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State of Tamilnadu
Technical Higher Education Department,
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2. The Commissioner/Director of Technical Education,
Technical Education,
Directorate of Technical Education,
Guindy – 25.

M.SATHYANARAYANAN, J.,

AP

W.P.No.5204 of 2017

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<http://www.judis.nic.in>