

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5291 of 2017

R.Jayaraman

..Petitioner

Vs

1. The Government of Tamil Nadu,
rep. By its Principal Secretary,
School Education Department,
Secretariat,
Chennai - 600 009.
 2. The Principal Accountant & General
(A&E),
Office of the Principal Accountant & General,
Anna Salai, Teynampet,
Chennai - 600 018.
 3. The Director of Elementary Education,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.
 4. The District Elementary Educational Officer,
Kancheepuram District,
Kancheepuram.
 5. The Assistant Elementary Educational officer,
Acharapakkam,
Kancheepuram District.
- 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 upgrade the post of Secondary grade Assistant to which the petitioner was initially appointment to that of B.T. Assistant as he was holding Graduate Teacher qualifications on the date of his initial appointment and confer consequential service and monetary benefits including revised pensionary benefits by considering his representation dated 10.06.2016.

For Petitioner : Mr.P.Murali

For Respondents : Mr.V.Anandhamoorthy
Additional Govt.Pleader

ORDER

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

2. The petitioner was appointed as Secondary Grade Teacher in Panchayat Union Elementary School, Sanamedu, Kaanai Block, Villupuram District on 11.11.1987. Though he had qualification of B.T. Teacher at the time of appointment, he got promoted as B.T. Teacher only on 26.02.2007 and retired from service on 31.03.2015 as Headmaster in Panchayat Union Middle School, Kalathur, Acharapakkam.

3. The grievance expressed by the petitioner is that even at the time of initial appointment during October, 1987, vacancies were available to the post of B.T. Teacher and he should have been accommodated in that position. However, he got his promotion as Graduate Teacher only during 2007. In this regard, he has also submitted a representation dated 10.06.2016 to the respondents praying for regularisation of his appointment as Graduate Teacher from the date of initial appointed as Secondary Grade, on 11.11.1987. Despite receipt and acknowledgment, so far no orders have been passed. Hence, he came forward to file this writ petition.

4. Heard the submission of the learned counsel for the petitioner and Mr.V.Anandhamoorthy, learned Additional Government Pleader appearing for the respondents.

5. Mr.V.Anandhamoorthy, learned Government Pleader appearing for the respondents would submit that the claim of the petitioner is hopelessly barred by limitation and it is also hit by delay and laches and the petitioner claims for appointment as B.T. Assistant right from the date of his initial appointment i.e., 11.11.1987 and he has chosen to make the claim only after his retirement, that too, two years thereafter, and prays for dismissal of this writ petition.

6. This Court heard the rival submissions and also perused the typed set of documents.

7. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim made by the petitioner either in the representation or in the writ petition, directs the 3rd respondent to consider and dispose of

the petitioner's representation dated 10.06.2016 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. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Principal Secretary,
School Education Department,
Secretariat,
Chennai - 600 009.
2. The Principal Accountant & General
(A&E),
Office of the Principal Accountant & General,
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Kancheepuram.
5. The Assistant Elementary Educational officer,
Acharapakkam,
Kancheepuram District.

+1cc to Mr.P.Murali,Advocate sr.13708

+1cc to the Government Pleader sr.14180

W.P.No.5291 of 2017

pa(co)
ss(15/3/2017)