

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10441 of 2017

A.Rajeswari

... Petitioner

Versus

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Namakkal.

... Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent herein to consider and dispose of the petitioner's Appeal dated 14.11.2016 in the light of the Tamil Nadu Government Fundamental Rules 54, 54-A, 54-B, 54-B1(3) and 54(5)(1), within the time frame fixed by this Court.

For petitioner : Mr.A.Rajakumar

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader.

O R D E R

The petitioner has again visited this Court with a prayer for issuance of a Writ of Mandamus, directing the second respondent viz., the Director of Elementary Education, Chennai to consider and dispose of her appeal dated 14.11.2016, in the light of the Tamil Nadu Government Fundamental Rules 54, 54-A, 54-B, 54-B 1(3) and 54(5) (i).

2. The petitioner was appointed on 18.11.1988, as a Higher Grade Teacher in Mohanur Panchayat Union Elementary School vide Roc.No.10494/B2/88, dated 13.11.1988. On verification of

certificates regarding Educational qualification by the Assistant Educational Officer, Mohanur, it was found that the certificates were not in order and finding that she was not having the qualification, her service was terminated on 17.01.1989 in Roc.No.10494/B2/88 by the District Educational Officer, Namakkal.

3. Aggrieved by the same, the petitioner filed O.A.No.3401 of 1992 on the file of Tamil Nadu Administrative Tribunal. By order dated 22.04.1994, the Tribunal directed the Director of Elementary Education to consider the representation of the petitioner without any delay. Based on the same, the Secretary to Government, Education Department passed an order dated 23.08.2002, rejecting the appeal preferred by the petitioner. The same was again challenged in O.A.No.6274 of 2002 and the same has been transferred to this Court and re-numbered as W.P.No.5855 of 2007 and by order dated 29.11.2011, this Court directed the District Elementary Educational Officer, Namakkal, third respondent therein, to appoint the petitioner as Secondary Grade Teacher to handle classes 1 and 2. As against the said order, the Government went on appeal in W.A.No.1407 of 2013. The same was also dismissed, confirming the learned single Judge order, vide order dated 13.03.2014. Subsequently, the petitioner was appointed as Higher Grade Teacher, vide order dated 20.09.2014. Thereafter, the petitioner has given representations to the respondents to consider her case as per Tamil Nadu Government Fundamental Rules 54, 54-A, 54-B, 54-B 1 (3) and 54(5) (i). Since no action has been taken on her representations, she has filed a writ petition in W.P.No.11510 of 2016 and this Court vide order dated 29.03.2016, directed the third respondent therein to consider the representations of the petitioners within eight weeks. Based on the said order, the third respondent vide proceeding dated 18.05.2016 in R.O.C.No.5895/A3/2007, rejected the petitioner's claim projected in the petitioner's representations. Therefore, the petitioner filed an appeal dated 14.11.2016 before the second respondent and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of Mr.T.M.Pappiah, learned Special Government Pleader, who takes notice on behalf of the respondents.

5. A perusal of the order of re-appointment of the petitioner dated 20.09.2014 would clearly shows that the petitioner is entitled to get the benefits only from the date of re-appointment. The petitioner without challenging the same, cannot ask for any benefit from 18.11.1988. Therefore, once the

petitioner has accepted the order dated 20.09.2014, the further representation to consider her case in the light of the Tamil Nadu Government Fundamental Rules 54, 54-A, 54-B, 54-B 1(3) and 54(5) (i) cannot be considered.

6. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Namakkal.

+1cc to Mr.A.Rajakumar, Advocate, S.R.No.25531

+1cc to the Government Pleader, S.R.No.25308

सत्यमेव जयते

W.P.No.10441 of 2017

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rmp(11/05/17)

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