

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.13901 of 2011

M.P.No.1 of 2011

1. M.Vinayagam
2. M.Ramesh

.. Petitioners

Versus

1. The Director,
Department of Primary Education,
College Road, Chennai - 600006.
2. The District Elementary Educational Officer,
District Elementary Educational Office,
Kottai, Vellore District.
3. The Chief Educational Officer,
Department of Education,
Sathuvachari, Vellore 9.
4. The Assistant Elementary Educational Officer,
Assistant Elementary Educational Office,
Alangayam, Vellore District.
5. The Headmaster,
Panchayat Union Primary School,
Vallipattu, Alangayam Union,
Vaniambadi Taluk,
Vellore District.
6. The Headmaster,
Panchayat Union Middle School,
Madanancheri, Alangayam Union,
Vaniyambadi, Vellore District.
7. Thiyagarajan
8. Sumitha

.. Respondents

[Respondents 7 & 8 are impleaded as per the
order of this Court dated 25.08.2011 in
M.P.No.2/2011 in W.P.No.13901/2011]

Prayer: The Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a Writ of Mandamus
directing the directing the respondents to dispose of the
representation dated 11.05.2011 and 21.05.2011.

For Petitioners : Ms.S.R.Vissalni
for M/s.V.Raghavachari

For RR1 to 4 : Mr.S.Navaneethan, AGP

For RR5 to 8 : No Appearance

O R D E R

The petitioner has filed the present Writ Petition to direct the respondents to dispose of the representation dated 11.05.2011 and 21.05.2011.

2. According to the petitioners they have undergone 12 years of Schooling and completed 3 years of Bachelor's degree course in Mathematics in Annamalai University by Distance Education. However, the respondents 7 and 8 appear to have completed their Schooling and secured their graduation from the Manonmaniam Sundaranar University in B.Sc. (Mathematics) after completing one year of study. The preliminary objection of the petitioners is that the respondents 7 and 8 have not undergone their School Education with Mathematics as the primary subject in any event. The Bachelors Degree obtained by them after one year of study cannot be equated to B.Sc. (Mathematics) degree course obtained by the petitioners after three years of study, though, both may be under the Distance System of Education. Hence, the petitioners made representation to the second respondent, but no order has been passed by the respondent. Therefore, the petitioners have filed the present Writ Petition with the afore said prayer.

3. On the contrary, the learned Government Pleader has submitted that pursuant to the Government Order in G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, any recruitment should be made only by the Teachers Recruitment Board, by conducting the Teachers Eligibility Test. Therefore, the eligibility and qualification shall be prescribed as per the notification, as far as the present case is concerned, the appointment of the petitioners is made prior to the notification or after the notification is to be decided only by the concerned authorities.

4. In view of the limited scope in the prayer, without going to the merits of the above statement made by the parties, this Court directs the first respondent / Department of Primary Education to consider the petitioners' representations dated 11.05.2011 and 21.05.2011 and pass orders, on merits and in accordance with law, as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunities to both parties concerned.

With the above observation, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

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To

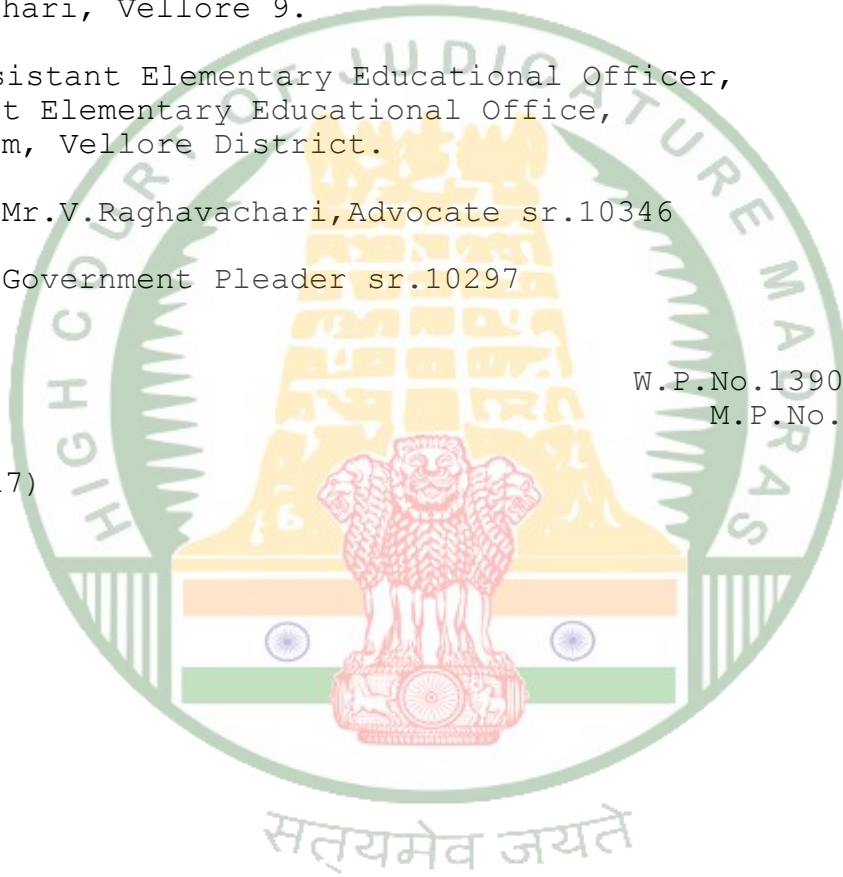
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4. The Assistant Elementary Educational Officer,
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+1cc to Mr.V.Raghavachari,Advocate sr.10346

+1cc to Government Pleader sr.10297

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