IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22670 of 2014

P.Rani ... Petitioner

Vs

1. The Director of School Education,
   DPI Campus, College Road,
   Chennai - 600 006.

2. The District Educational Officer,
   Chennai North, Chennai -17.

3. The Correspondent,
   Singaram Pillay Higher Secondary School,
   Villivakkam,
   Chennai - 600 049 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to approve the appointment of the petitioner in the post of BT Assistant in the 3rd respondent school from the date of initial appointment on 16.7.1997 till the petitioner is relieved for appointment in Government School on 12.09.2010 with all consequential and other attendant benefits including arrears of salary with interest, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Thanga Pandi
Government Advocate

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O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 and 2 to approve the appointment of the petitioner in the post of BT Assistant in the third respondent school from the date of initial appointment on 16.7.1997 till the petitioner is relieved for appointment in Government School on 12.09.2010.

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2. It is the case of the petitioner that she had earlier filed W.P.No.33700 of 2003 before this Court with the same prayer seeking a direction to the respondents 1 and 2 therein to approve the appointment of the petitioner as B.T. Assistant from the date of her appointment on 16.7.1997. Earlier, the said writ petition filed by the writ petitioner with the same prayer was considered by this Court and an order was passed on 21.11.2003, directing the first respondent to consider the petitioner's representation dated 19.9.2003 in accordance with law, take a decision thereon and communicate the same to the petitioner, in any event, not later than 31.01.2004. However, the writ petitioner has not pursued the matter for about ten years from the date of passing of the order by this Court in W.P.No.33700 of 2003 and thereafter, in order to create a cause of action, the writ petitioner has submitted a representation on 12.9.2008 and filed this writ petition on 6.8.2014 after a lapse of about six years from the date of submission of the representation.

3.Thus, this Court has to consider the very fact that the writ petitioner was appointed on 16.7.1997 and thereafter appointed in the Government School on 12.9.2010. However, the writ petitioner, in order to seek approval of her appointment with effect from 16.7.1997, submitted a representation and filed a writ petition in 2003 after a lapse of 7 years from the date of joining in the Government post. This Court passed a final order on 21.11.2003 and thereafter, no action had been taken by the writ petitioner in that regard. Thus, the writ petitioner had allowed the cause to die and now making an attempt to revive after a lapse of about 11 years from the date of passing of the order in W.P.No.33700 of 2003. However, the present writ petition is filed on 6.8.2014 again after a lapse of 6 years from the date of submission of the representation on 12.09.2008. Thus, this Court is not inclined to permit the writ petitioner to revive her cause of action after a lapse of about 7 years from the date of her original appointment in the Government service.

4. This Court is of the view that a person who slept over the right, cannot wake up one fine morning and knock at the doors of the Court for redressal of the grievances. For entertaining the writ petition under Article 226 of the Constitution of India, the Courts shall see that a person aggrieved is approaching the Court within a reasonable period of time and with the claim of infringement of his/her legal rights. It is not as if the petitioner shall be allowed to file the writ petitions one after another, after a lapse of many years. Such an attitude of the writ petitioner is deprecated and this Court cannot encourage such behavior of the petitioner, who is none other than a responsible Government servant.

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5. In the case on hand, the petitioner was appointed on 16.7.1997 and thereafter absorbed in the Government service on 12.9.2010. She filed a writ petition in the year 2003 itself for the same prayer seeking approval of her appointment before this Court to direct and consider her representation. The learned counsel says that no orders had been passed on the said representation. However the writ petitioner has not pursued the matter further to seek implementation of the said order passed by this Court in W.P.No.33700 of 2003.The writ petitioner has submitted a representation on 12.9.2008 and after a lapse of 6 years, when the earlier writ petition was filed. Under these circumstances, this Court is not inclined to issue any direction in respect of approval of the appointment of the writ petitioner or to consider the representation submitted in the year 2008.

6. This Court is of the opinion that the petitioner cannot be permitted to revive the cause of action. Thus, no further adjudication is required in this writ petition.

7. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
   DPI Campus, College Road,
   Chennai - 600 006.

2. The District Educational Officer,
   Chennai North,
   Chennai -17.

3. The Correspondent,
   Singaram Pillay Higher Secondary School,
   Villivakkam,
   Chennai - 600 049.

+1cc to the Government Pleader, S.R.No.77225

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