

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 18.12.2017
CORAM
THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.32877 of 2017

K.Rekha

... Petitioner

Vs

1.The Chief Educational Officer,
Cuddalore District.

2.The District Educational Officer,
Virudhachalam,
Cuddalore District.

3.The Headmaster,
Government Boys Higher Secondary School,
Virudhachalam,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus to direct the first respondent to consider the representation dated 04.07.2017 and 09.10.2017 submitted by the petitioner so as to enable her to get her name included in serial No.1 of the attendance register maintained by the third respondent school instead of the present status in serial No.3.

For Petitioner : Mr.T.Chellapandian
for Mr.S.Mani

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER
सत्यमेव जयते

The case of the petitioner is that she has joined as B.T.Assistant [English] in the third respondent school on 17.12.2012. Likewise, one R.Maheswari was also selected and appointed as B.T.Assistant [English] on the same day in the same third respondent school. From the date of appointment, the petitioner signing the attendance register maintained by the third respondent school, wherein, the petitioner's name was in serial No.1 and the name of the above said Maheswari was in serial No.3. Suddenly, the third respondent reversed the names in the attendance register, resulting the name of the petitioner in serial No.3 and the name of the said Maheswari was in serial No.1. Even though selection and appointment was made by the Teachers Recruitment Board in the year 2012, seniority was not

fixed. Due to non fixation of seniority, the petitioner submitted a representation dated 04.07.2017 to the respondents 1 and 2 seeking their intervention, but there was no response. Therefore, the petitioner submitted another representation dated 09.10.2017, for which also, there was no response from the respondents 1 and 2, the petitioner is before this Court.

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. Learned counsel appearing for the petitioner submitted that this petitioner was born on 27.04.1980, whereas, one Maheswari who was also appointed along with the petitioner on the same day, i.e., on 17.12.2017 was born on 05.05.1988. He further submitted that even though the date of appointment is one and the same, the name of this petitioner should be placed before the said Maheswari by taking into consideration her date of birth. But, in the present case, as against the Rules, the said Maheswari, who is a junior to the petitioner has been placed above. Objecting the same, the petitioner sent representations dated 04.07.2017 and 09.10.2017 to rearrange the seniority. Since the same has not been considered by the respondents 1 and 2, learned counsel appearing for the petitioner sought for a suitable direction in this regard.

4. Learned Special Government Pleader appearing for the respondents sought for sufficient time to consider the representation of the petitioner.

5. This Court, taking into consideration the limited prayer sought for by the petitioner and without going into the merits of the said representation, the first respondent is hereby directed to consider the pending representation of the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity to the said Maheswari.

The Writ Petition is disposed of accordingly. No costs.

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Sd/-
Deputy Registrar
//True Copy//

Sub Assistant Registrar

gya

To

1.The Chief Educational Officer,
Cuddalore District.

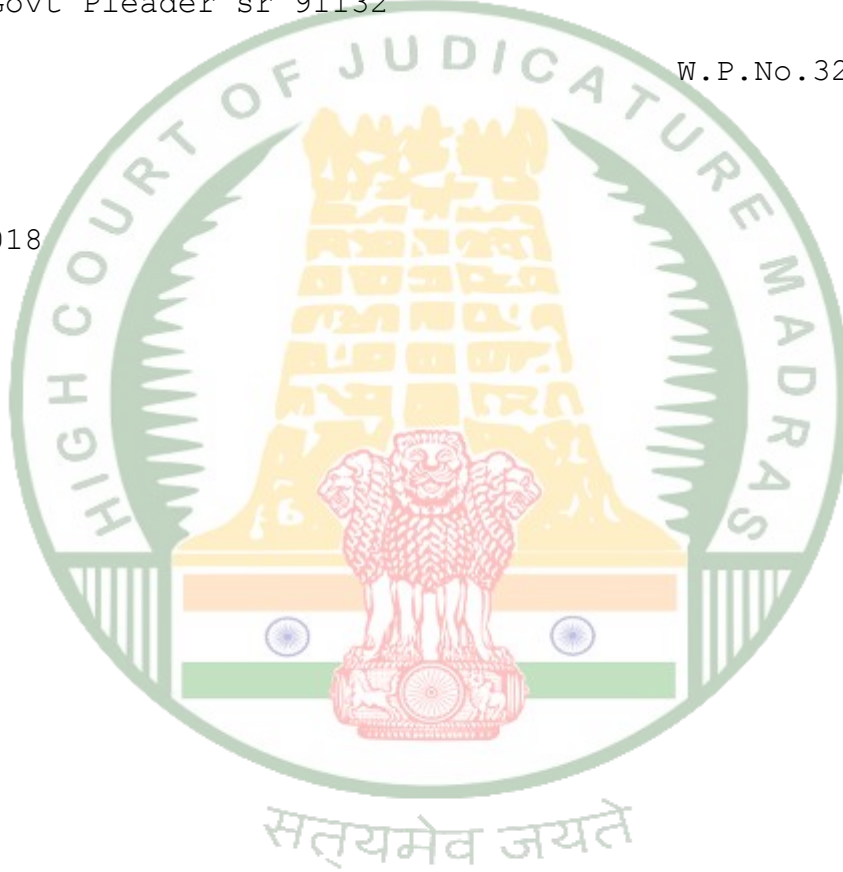
2.The District Educational Officer,
Virudhachalam,
Cuddalore District.

+1 cc to M/s.S.Mani Advocate sr 90164

+1 cc to Govt Pleader sr 91132

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