

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

W.P.No.881 of 2010

and M.P.No.1 of 2010

S. Sangeetha

[Petitioner]

Vs

1. The Secretary,
Education Department,
Secretariat, Fort St. George,
Chennai- 600 009.

2. The Director,
Directorate of School Education,
College Road,
Chennai-600 006.

3. The Chief Educational Officer,
Vellore District,
Vellore.

4. The Head Master,
Govt. Higher Secondary School,
Ambalur, Vaniyambadi Taluk,
Vellore District.

[Respondent]

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents to absorb the petitioner as Computer Instructor and regularize the petitioner's service as Computer Instructor in accordance with law at Government Higher Secondary School, Ambalur, Vaniyambadi Taluk, Vellore District, the 4th Respondent School herein.

For Petitioner : G.Jayachandran

For Respondents : Mr.S. Gunasekaran, AGP

ORDER

Mr.G.Jayachandran, learned counsel is present on behalf of the writ petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader is present on behalf of all the respondents.

2. By consent of both the learned counsel, the main writ petition itself is taken up for disposal.

3. The case of the writ petitioner is that she was working as a Computer Instructor in the 4th respondent School, on a consolidated pay basis. Subsequently, the Directorate of School Education, Chennai, has decided to conduct an examination for recruitment of Computer Instructor through Teachers Recruitment Board (TRB for brevity). Once the examination was held on 12.10.2008, but, the writ petitioner could not take the said examination owing to personal reasons. It is represented that she was on maternity leave.

4. Thereafter, another such examination was scheduled to be held on 24.01.2010. The respondents took a stand that the writ petitioner may not be permitted to sit for the examination on 24.01.2010 on the ground that this recruitment is pursuant to one time scheme. Aggrieved, the writ petitioner has filed the instant writ petition.

5. The prayer in the main writ petition is to mandamus the respondents to absorb the writ petitioner as Computer Instructor in the 4th respondent School and regularize her services as Computer Instructor.

6. An interlocutory prayer by way of miscellaneous petition in M.P.No.2 of 2010 was also taken out with a prayer to direct the 2nd respondent to issue hall ticket to the petitioner for writing the special examination on 24.01.2010.

7. Writ petition was admitted on 20.01.2010, but, no interim orders were passed in favour of the writ petitioner. By the time service could be completed and when the matter came up for hearing, the examination on 24.01.2010 was over. Therefore, M.P.No.2 of 2010 had become infructuous.

8. Writ petitioner's counsel fairly submits that the writ petitioner has been out of service from 2007 and makes a plea to consider her appointment to the post of Computer Instructor in the 4th respondent School. It is stated that one post is now vacant and there is a good possibility of she being so appointed.

9. Considering the fact that the writ petitioner has rendered 11 years of service coupled with the fact that the writ petitioner was unable to write the written examination conducted by TRB only owing to reasons such as health and impediment in terms of one time scheme, it may be appropriate to consider her for appointment in the post that is said to be lying vacant. However, this can be done only in accordance with the prevailing norms.

10. Under such circumstances, the writ petitioner undertakes to send a fresh representation to the 2nd respondent setting out the above facts and reviving her plea for accommodating her in the post of Computer Instructor in the 4th respondent School in the lone post that is said to be vacant.

11. Writ petitioner undertakes to submit such a representation to the 2nd respondent (under due acknowledgement) within a period of two weeks from the date of receipt of a copy of this order. On writ petitioner submitting such a representation, the 2nd respondent shall dispose of the representation in a manner known to law, within a period of four weeks from the date of receipt of the said representation.

12. Writ petition is disposed of on the above terms. No costs. M.P.No.1 of 2010 is closed as unnecessary.

rg

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

1. The Secretary,
Education Department,
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Chennai- 600 009.
2. The Director,
Directorate of School Education,
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3. The Chief Educational Officer,
Vellore District,
Vellore.
4. The Head Master,
Govt. Higher Secondary School,
Ambalur, Vaniyambadi Taluk,
Vellore District.

+1 CC to G.Jayachandran Advocate SR.NO.12329
+1 CC to Govt. Pleader, High Court, Madras SR.NO.12674

W.P.No.881 of 2010

NRI [CO]
MK:07/03/2017