

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2017

Coram

The Hon'ble Mr. Justice T. Raja

Writ Petition No. 28914 of 2017

C. Kamalam

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006
3. The Joint Director of School Education
(Personnel)
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006
4. The Chief Educational officer,
Cuddalore District,
Cuddalore
5. The District Educational Officer,
Cuddalore, Cuddalore District
6. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to pass orders for fixation of seniority of the petitioner in the post of BT Assistant (English) in Tamilnadu School Education and Subordinate Service based on 2012 selection as per Teachers Eligibility Test conducted on 12.07.2012 on par with juniors as per merit in 2012 selection with all consequential and other attendant benefits including pay fixation and other salary benefits, by considering the

representation submitted by the petitioner 10.03.2016, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

This petition has been filed seeking a Writ of Mandamus directing the respondents to pass orders for fixation of seniority of the petitioner in the post of BT Assistant (English) in Tamilnadu School Education and Subordinate Service based on 2012 selection as per Teachers Eligibility Test conducted on 12.07.2012 on par with juniors as per merit in 2012 selection with all consequential and other attendant benefits including pay fixation and other salary benefits, by considering the representation submitted by the petitioner on 10.03.2016.

2. The petitioner is serving as B.T.Assistant (English) in Government Higher secondary School, Andarmullipallam, Cuddalore from 25.02.2014. She claimed that she is entitled to fixation of seniority on par with juniors as per merit in 2012 selection.

3. Learned counsel for the petitioner would submit that when TET examination was conducted on 12.07.2012, she secured 90 marks and thereby she was declared pass. In the meanwhile, the results for B.Ed examination was also published on 11.08.2012. However, in respect of one paper in the subject Psychology of Learning and Human Development, the result of the petitioner was declared as re-appear on the premise that she had secured less than pass percentage. Further, the petitioner has submitted her paper for revaluation and after the revaluation, she was declared pass by the University and revalued paper was received by the petitioner on 10.09.2012 and immediately submitted the same on 11.09.2012 to the Teachers Recruitment Board. In the meanwhile, certificate verification was conducted on 07.09.2012, in which the petitioner has also produced the first mark statement dated 11.08.2012. Therefore, it is the claim of the petitioner that she is the teacher, selected in the year 2012, but, not appointed to the post of BT Assistant and that she is entitled for fixation of seniority based on the selection conducted in the year 2012, hence she has submitted the representation dated 10.03.2016 to the 2nd respondent. The same has not been considered, hence, this writ petition.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, takes notice for the respondents and seeks eight weeks time to consider the representation of the petitioner.

5.Considering the limited relief sought for in the petition and without going into the merits of the matter, this Court hereby directs the petitioner to forward a copy of the representation dated 10.03.2016 along with a copy of this Order within a period of one week from the date of receipt of copy of this Order and on receipt of the same, 2nd respondent is hereby directed to consider the representation made by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

6.Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssd

To

- 1.The State of Tamilnadu,
Rep. By its Principal Secretary to Government,
school Education Department,
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+1 cc to M/s.G.Sankaran Advocate sr 80388
+1 cc to the Govt Pleader sr 80510

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