

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM:

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.34314 of 2012

Y.Thimmachary

...Petitioner

vs.

1. The Director of Elementary Education,
College Road, Chennai-06.
 2. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
 3. The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Mandamus, to direct the respondents to consider the representation submitted by the petitioner dated 02.07.2012 for seeking appointment on par with his juniors in employment seniority and pass orders on merits within a stipulated period.

For Petitioner : Mrs.R.Nirmala Devi
for Mr.M.Loganathan
For Respondents : Mr.R.A.S. Senthilvel
Additional Government Pleader

O R D E R

Writ petition has been filed for issuance of a Mandamus, to direct the respondents to consider the representation submitted by the petitioner dated 02.07.2012 seeking for appointment on par with his juniors in employment seniority and pass orders on merits within a stipulated period.

2.The case of the petitioner is that he had completed Secondary Grade Teacher Training Course in Karnataka State in the year 1992 and registered with the Employment Exchange Office at Hosur on 27.11.1992. The applicant was called for the

interview in the year 1997, for appointment to the post of Secondary Grade Teacher. But he was not selected on the ground that he did not secure a minimum of 50% marks in each of the subjects. But however according to the petitioner, when one L.Nazaama, who was a similarly placed person and secured less than 50% of marks has been accommodated as a Secondary Grade Teacher by virtue of G.O.2(D) No.284, Education, Science and Technology Department dated 15.05.1995. This was of course, issued on the basis of a direction issued by this Court on a petition filed by the said L.Nazaama.

3. Thereafter, the applicant/petitioner had participated in the improvement examination and secured minimum of 50% of marks in the year 2001 and became eligible for appointment to the post of Secondary Grade Teacher. However, since the authorities concerned did not consider him for appointment to the post of Secondary Grade Teacher, he along with few others have approached the Tamilnadu Administrative Tribunal in O.A.No.3776 of 1997. The Tribunal issued directions in the said O.A. to dispose of the representations submitted by the petitioner along with others. However, in spite of declaration, according to the petitioner, no action was forthcoming from the competent authority. While the matter stood thus, he came to be appointed as Secondary Grade Teacher on consolidated pay of Rs.3000/-. The grievance of the petitioner is that several of teachers including L.Nazaama, who is a similarly placed person had been granted seniority for appointment and the petitioner had been denied due seniority on par with other similarly placed Secondary Grade Teachers.

4. Upon notice, Mr.R.A.S.Senthilvel, learned Additional Government Pleader has filed counter affidavit rebutting the averments contained in the affidavit filed in support of the petition. The learned Additional Government Pleader would oppose to grant any relief to the petitioner.

5. Ms.R.Nirmaladevi, the learned counsel for the petitioner has submitted that number of representations have been submitted to the respondents seeking for redressing of petitioner's grievance. None of the representations had revoked any response from the respondents. The learned counsel would draw the attention of this court particularly, on a detailed representation submitted to the respondents on 02.07.2012. Admittedly, the said representation has not been responded to by the respondents.

6. Considering the submissions made by the learned counsel and also after perusing the materials on record, this court without going into the merits and demerits of the case, directs the respondents to dispose of the petitioner's representation

dated 02.07.2012 on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. While considering the representation, the respondents are also directed to take into consideration the averments which formed part and parcel of the affidavit filed in support of the petition.

7. With the above direction, the writ petition stands closed. No costs.

Sd/-
Asst. Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To:

1. The Director of Elementary Education,
College Road, Chennai-06
2. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
3. The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.

+1cc to M/S.R.Nirmaladevi, Advocate Sr. 52600
+1cc to the Government Pleader Sr. 298

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Order in
W.P.No.34314 of 2012

SV(CO)
VR(28/8/2017)