

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM

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

W.P. No.13928 of 2003

M.Gracelin Sophiah

.. Petitioner

Vs

- 1.The State of Tamil Nadu
rep. by Secretary to Government
Social Welfare Department
Fort St.George, Chennai 600 005.
2. The Commissioner for the Rehabilitation of disabled
Mylapore, Chennai 600 004.
- 3.District Rehabilitation Officer
Rehabilitation Centre,
Tirunelveli.
- 4.Florence Swainson Higher Secondary School
for Deaf,
Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the records of the second respondent relating to his proceedings in Na.Ka.No.2065/CP.NIR2/2001 dated 4.4.2001 and quash the same and direct the 3rd respondent to pay the grant for the salary of the petitioner with all attendant benefits from 12.10.2000.

For Petitioner : Mrs.S.Lita Srinivasan (No appearance)

For Respondents : Mr.A.Zakkir Hussain
1 to 3 Government Advocate

For R4 : No appearance

O R D E R

The petitioner has come forward with this Writ Petition for quashing the proceedings of the second respondent dated 4.4.2001 and to direct the third respondent to pay the grant for the salary of the petitioner with all attendant benefits from 12.10.2000.

2.The petitioner has completed her B.Sc., degree in the year 1988 and B.Ed., in 1991. She was appointed as Secondary Grade Assistant in the Florence Swainson Higher Secondary School for Deaf at Palayamkottai, on 12.10.2000. A proposal was submitted by the Management seeking approval of appointment of the writ petitioner and the same was rejected by the second respondent by proceedings dated 04.04.2001. Challenging the same, the petitioner has come forward with this Writ Petition, on the ground that she is fully qualified to hold the post of Secondary Grade Teacher and has completed the probation period mentioned in the appointment order and therefore, she is entitled for approval of her appointment and for the consequential service and monetary benefits.

3.The contention of the learned Government Advocate is that since there was a ban imposed by the Government for appointment to the post of Secondary Grade Assistant during the relevant point of time, her appointment could not be approved. That apart, the second respondent in the impugned order directed the Correspondent of the Institution to submit his explanation, in respect of the fact regarding the ban imposed by the Government.

4.When the second respondent sought for explanation from the Correspondent, the Writ Petitioner had moved this Writ Petition. Whether the Correspondent has offered his explanation to the authorities or not, is not made available to this Court. Under these circumstances, it is the duty of the Management as well as the writ petitioner to see that proper explanation is submitted to the authorities concerned with regard to the lifting of ban during the relevant point of time, when the petitioner got appointed. Thus, the prayer sought for as such cannot be considered.

5. Accordingly, the Writ Petition fails and the same stands dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rpa
To

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2. The Commissioner for the Rehabilitation of disabled
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rsi(co)
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