

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.13726 to 13728 of 2018

Mrs.V.Anandhi	..Petitioner in WP No.13726 of 2018
Mrs.R.Srividhya	..Petitioner in WP No.13727 of 2018
Mrs.R.Rajaselvi	..Petitioner in WP No.13728 of 2018

Versus

1. The State of Tamil Nadu
Represented by its Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
2. The State of Tamil Nadu,
Represented by its Secretary,
Social Welfare & Nutritious Meal Programme Department,
Fort St. George,
Chennai 600 009.
3. The Director of Social Welfare,
Sidco Old Building, Guindy,
Chennai - 600 032.
4. The Director,
Integrated Child Development Scheme,
Pammal Nallathambi Street,
Tharamani, Chennai 600 113

.. Respondents

Prayer in WP No.13726 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondent 1 and 2 to consider the petitioner's representation dated 15.02.2018 after taking into account of the recommendations of

the 3rd respondent dated 10.11.2017 and issue suitable orders to the Chairman, Tamil Nadu Teachers Recruitment Board to conduct the Special Examination for the appointment of Graduate teachers in Government Schools and other Schools etc., in the state of Tamil Nadu.

Prayer in WP No.13727 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondent 1 and 2 to consider the petitioner's representation dated 15.02.2018 after taking into account of the recommendations of the 3rd respondent dated 10.11.2017 and issue suitable orders to the Chairman, Tamil Nadu Teachers Recruitment Board to conduct the Special Examination for the appointment of Graduate teachers in Government Schools and other Schools etc., in the state of Tamil Nadu.

Prayer in WP No.13728 of 2018: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondent 1 and 2 to consider the petitioner's representation dated 24.03.2018 after taking into account of the recommendations of the 3rd respondent dated 10.11.2017 and issue suitable orders to the Chairman, Tamil Nadu Teachers Recruitment Board to conduct the Special Examination for the appointment of Graduate teachers in Government Schools and other Schools etc., in the state of Tamil Nadu.

For Petitioner in all WPs	: Mr.P.Chandrasekaran
For Respondents in all WPs	: Mr.P.Raja Government Advocate for R1 and R3 Mr.V.Kadhirvelu, Special Government Pleader for R2, R4 and R5

ORDER

By consent of the parties all the writ petitions are taken up together for final disposal by this common order.

2. Mr.P.Raja, learned Government Advocate accepts notice on behalf of respondents 1 and 3 and Mr.V.Kadhirvelu, learned Special Government Pleader accepts notice for respondents 2, 4 and 5.

3. Heard the learned counsel appearing for the petitioner, so also, the learned counsel appearing for the respondents.

4. It appears that the petitioners were appointed as Anganwadi workers. According to the petitioner for them neither promotional avenue nor any regular salary hike is available. However, they had requisite qualification to be appointed as graduate teachers in any vacancies being available to accommodate them as teachers and hence, they made a representation to the respondents 1 to 5 to consider their case for appointment as Graduate teachers in Government Schools by following the G.O.No.83, School Education Department dated 19.06.2003 and G.O.Ms.No.33, School Education Department dated 05.02.2011.

5. The petitioner would further submit that in view of G.O.Ms.No.33 dated 05.02.2011, the 1st respondent had permitted the Noon Meal Organisers and Anganwadi Employees to appear for Special Examination for the third time and vide G.O.Ms.No.126 dated 11.04.2012 the 1st respondent had also permitted the Chairman, Teachers Recruitment Board to send the selected list of candidates to the 3rd respondent and thereafter on 13.05.2015, the Commissioner of Social Welfare sent a list of 439 qualified Noon Meal Organisers for the purpose of appearing for the Special examination and on 16.10.2015, the Director of Integrated Child Development Scheme sent a list of 219 Anganwadi Employees with B.Ed qualification and 122 Anganwadi Employees with B.Lit and TPT qualification to the 3rd respondent to allow them to appear in the Special Examination for the appointment of Graduate Teachers. In this regard, a proposal has also been sent by the 3rd respondent to the 1st respondent to give exemption to the persons, whose appointment process has been initiated prior to NCTE Notification 23.08.2010, so also, the 2nd respondent on 30.05.2017 has also sent a letter to the 3rd respondent stating that the Special Examinations were conducted for Noon Meal organiser's and Anganwadi Employee's by the Teachers Recruitment Board and 1147 Employees were appointed as Graduate Teachers and they have been discharging their duties very efficiently to the utmost satisfaction of the

department. In such premises, a letter of the Social Welfare Department was sent by the 3rd respondent to the 2nd respondent to conduct special examination for 430 Noon meal Organiser and 341 Qualified Anganwadi Employees, so also, on 10.11.2017, the 3rd respondent has sent a detailed report mentioning the G.O.No.181 dated 00.00.2011, G.O.No.83 dated 19.06.2003 and G.O.33 dated 05.02.2011 and letters of Social Welfare Department and Noon Meal Scheme and requested the 1st respondent to conduct special examination for 430 Noon Meal Organisers and 340 Anganwadi Employees for the purpose of appointing them as Graduate Teachers. The Government Orders referred above and the communication exchanged between the 1st and 3rd respondent indicates that the petitioner have a claim for being considered as Graduate teachers by way of Special Examination for appointment in Government/Corporation/Adi Dravida and Tribal Welfare High / Higher Secondary School etc., However, inspite of recommendation made by the 3rd respondent on the basis of the letters of the 2nd respondent dated 30.05.2017, 25.05.2017, seeking detailed report for the purpose of filling up of the vacancies for the post of Noon Meal Organiser and Anganwadi employees and the the representation of the petitioner 15.02.2018 send by Speed Post, the respondents 1 & 2 have not passed any order for conducting special examination for their appointment as Graduate Teachers. Therefore, the petitioners came

forward to file these writ petitions with a prayer to issue a writ of Mandamus, directing the respondent 1 and 2 to consider the petitioner's representation dated 15.02.2018 taking note of the recommendations of the 3rd respondent dated 10.11.2017 and issue suitable orders to the Chairman, Tamil Nadu Teachers Recruitment Board to conduct the Special Examination for the appointment of Graduate teachers in Government Schools and other Schools etc.,

6. The learned Special Government Pleader appearing on behalf of the respondents would submit that the respondents have no objection to dispose of such representation in accordance with law, if pending and hence, prays for appropriate orders.

7. After hearing the learned counsel appearing for the parties and going through the materials on record, especially considering the nature of the relief sought for by the petitioners, no useful purpose is going to be served by asking a counter affidavit/response from the respondents to the aforesaid writ petitions, inasmuch as, no prejudice is going to be caused to the respondents by giving the aforesaid relief as sought for by the petitioner without their response. Hence, considering the facts and submissions, this Court dispose of this writ petition with a direction to the 1st and 2nd respondent to consider the representation dated

15.02.2018 of the petitioners if the same is pending and take an informed and considered decision in accordance with law on such representation within a period of four weeks from the date of receipt of copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of such representation. No costs.

07.06.2018

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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SATRUGHANA PUJAHARI.,J

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To

1. The State of Tamil Nadu
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School Education Department,
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