

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.08.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.25297 of 2004

Tmt.A. Kalai Selvi

.... Petitioner

Vs.

1. The Chief Educational Officer,
Villupuram District.
2. The District Employment Officer,
Villupuram, Villupuram District.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd Respondent to restore the seniority of the Petitioner with effect from April 1989 and consequently direct the First Respondent to appoint the Petitioner as Drawing Teacher on consolidated pay based on the seniority of the year April 1989.

For Petitioner : Mr.K. Raja

For Respondents: Mr.K.S. Suresh
Government Advocate

ORDER

The Petitioner was registered with the Second Respondent, viz., District Employment Exchange, Villupuram on 03.04.1989 in Registration No.W/14852/1993, which lapsed in the month of April 2004 and she had not renewed the same within the grace time of three months granted by the Government from April 2004 to June 2004. When the Petitioner made her application on 21.07.2004, it was treated as fresh registration and she was not given the benefit of seniority with retrospective effect from 03.04.1989. It appears that subsequently a vacancy had arisen for the post of Drawing Master for which the Petitioner was eligible, but another candidate, viz., Tmt.S.Selvi, was given appointment. The

Petitioner has filed this Writ Petition for a direction to the Second Respondent to restore her seniority with effect from April 1989 and to consequently appoint her as Drawing Teacher on consolidated pay.

2. The Respondents have filed counter affidavit pointing that the said Tmt.S.Selvi was above to the Petitioner in the seniority list and even if the Petitioner was given the benefit of restoration of seniority, she cannot be given appointment with effect from 03.04.1989. Further, it is pointed out that Rules provide for renewal of registration within a period of three months, which lapsed in the month of June 2004 and in the case of the Petitioner, her registration ended in March 2004. Since the Petitioner had made an application only on 21.07.2004, it could not be taken as renewal and has to be treated as a fresh registration. In respect of appointment to the post of Drawing Teacher, the said Tmt.S.Selvi was above the Petitioner in the seniority reckoning her date of registration as 30.03.1989, and she was rightly appointed to that post for which the Petitioner cannot have any grievance at all.

3. Heard the learned Counsel for both sides. Having regard to the rival submissions, there does not appear to be any infirmity in the impugned decision of the Respondents. The Petitioner having failed to renew the registration in the Employment Exchange before the stipulated time which lapsed in June 2004 cannot claim the benefit of her initial seniority from 03.04.1989. In any event the said Tmt.S.Selvi, who was appointed to the post of Drawing Teacher had her seniority reckoned from 31.03.1989 which is prior to 03.04.1989, and as such, the Petitioner could not have been given the appointment.

4. As there are no merits in the Writ Petition, the same is dismissed. No Costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Villupuram District.

2. The District Employment Officer,
Villupuram, Villupuram District.

+lcc to Mr.K.Raja, Advocate sr.no.53497
+lcc to Government Pleader sr.no.54017

W.P.No.25297 of 2004

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