



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.14823 of 2018

Chandra

... Petitioner

-Vs-

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to prepare the seniority list based on the rank numbers which was fixed by the Teachers Recruitment Board for the P.G. Assistants based on the petitioner's representation dated 29.06.2018 and in light of the similar judgment in W.P.(MD)Nos.3622 and 3627 of 2012 dated 02.03.2017.

For Petitioner : Mr.Abdul Kalaam Azad.A.S.
For Respondent : Mr.T.S.Mohammed Mohideen,
Standing Counsel.

ORDER

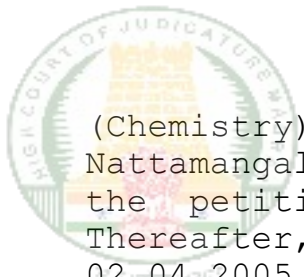
The prayer sought for herein is for a Writ of Mandamus, directing the respondent to prepare the seniority list based on the rank numbers, which was fixed by the Teachers Recruitment Board for the P.G. Assistants based on the petitioner's representation dated 29.06.2018 and in the light of the similar judgment made in W.P.(MD)Nos.3622 and 3627 of 2012 dated 02.03.2017.

2.Heard Mr.Abdul Kalaam Azad.A.S., learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohideen, learned Standing Counsel, who takes notice on behalf of the respondent Corporation.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel appearing for the petitioner would submit that, the petitioner was appointed as P.G. Assistant



(Chemistry) and was posted at Government Kallar Reclamation School, Nattamangalam, by the order dated 27.12.2002. Pursuant to which, the petitioner had joined there and working from 03.01.2003. Thereafter, the petitioner completed her two years probation on 02.04.2005.

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5. Thereafter, the petitioner made a request to transfer her to any one of the Corporation School of the respondent herein. Pursuant to her request, the petitioner was transferred and posted as P.G. Assistant (Chemistry) at Kambar Corporation Higher Secondary School, Madurai, by an order dated 30.08.2006. In the said transfer order, one of the conditions imposed was the petitioner would be inducted at the bottom of the seniority list of the P.G. Assistant Teachers, who are already working in the respondent Corporation School.

6. In this regard, the learned counsel appearing for the petitioner would submit that the seniority of the teachers shall be reckoned only based on the marks obtained at the time of selection process.

7. In this regard, the learned counsel appearing for the petitioner would rely upon the decision of this Court made in W.P.(MD)Nos.3622 and 3627 of 2012 dated 02.03.2017 and would further submit that the petitioner, in order to fix her correct seniority based on the marks and as per the law declared in the judgment, had given a representation on 29.06.2018 to the respondent Corporation and if the said representation is directed to be considered on merits and in accordance with law, within a time frame stipulated by this Court, the petitioner would be satisfied.

8. I have heard the learned Standing Counsel appearing for the respondent Corporation, who would submit that the petitioner's representation dated 29.06.2018 would be considered on merits, within a time frame.

9. In view of the said facts of the case and after taking into account the submissions made by both sides, this Court is inclined to pass the following order:-

"that the respondent Corporation is directed to consider the representation of the petitioner dated 29.06.2018 on merits and in accordance with law by taking into account the law declared by this Court in this regard in W.P.(MD)Nos.3622 and 3627 of 2012 in the matter of Jeyanthi and R.Gomathi Vs. The Commissioner, Madurai Corporation, Madurai and others, dated 02.03.2017 and pass appropriate orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."



10. With this direction, this Writ Petition is disposed of.
No costs.

Sd/
Assistant Registrar (Writs)

/True copy/

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Sub Assistant Registrar (CS-II)

TO

The Commissioner,
Madurai Corporation, Madurai.

+1cc to Mr. R. M. ARUN SWAMINATHAN, Advocate, SR.No.72054
+1cc to Mr. T. S. MOHAMMED MOHIDHEEN, Advocate, SR.No.72125

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