

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No. 2548 of 2013

S. Thiruneelakandan ... Appellant /Petitioner

Vs

1. The State of Tamil Nadu
Rep. By its Secretary,
Education Department,
Fort St. George,
Chennai 600 009.

2. The District Elementary Educational Officer,
District Elementary Education Office,
Thanjavur. ... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against
the order dated 25.01.2011 passed in W.P.No. 1436 of 2011.

Prayer in WP. 1436 of 2011: Petition filed under Article 226 of
the Constitution of India pleader to direct the 2nd respondent to
extend the benefits of the order passed in O.A.Nos.68/1997 and
177/97 dated 12.07.2002 confirmed by this Honble Court in
W.P.No.29644/2005 dated 21.02.2008 based on the representation
of the petitioner dated 20.12.2010.

For Appellant .. Mr. A.R. Nixon
For Respondents.. Mr. P. Raja,
Govt. Advocate

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order of the
learned single Judge, who, after finding that the representation
given by the appellant was bereft of material particulars, was
pleased to dismiss the writ petition. Incidentally, it was held
that the writ petition is liable to be dismissed on the ground
of delay and laches.

2.Heard the learned counsel appearing for the appellant and
the learned Government Advocate appearing for the respondents.

3.Placing reliance upon the subsequent judgment of the Division Bench in W.A.No.815 of 2010 etc., batch dated 07.07.2011, learned counsel appearing for the appellant submits that delay and laches cannot be put against the appellant. He would further submit that similarly placed persons have been granted the relief. Therefore, the order of the learned single Judge requires interference.

4.Considering the submissions made, we are of the view that it is well open to the appellant to make a fresh representation furnishing the particulars of his postings and employments in the post of Secondary Grade Assistant and Elementary School Headmaster apart from Middle School Headmaster. It appears that the appellant has not produced all the particulars.

5.In such view of the matter, the writ appeal stands disposed of, giving liberty to the appellant to make a fresh representation before the appropriate respondent enclosing the particulars of his postings in various posts within a period of four weeks from the date of receipt of a copy of this order. As and when such representation is made, the same will have to be disposed of by the appropriate respondent by taking into consideration the order passed in W.A.No.815 of 2010 etc., batch dated 07.07.2011 within a period of eight weeks thereafter. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai 600 009.
2. The District Elementary Educational Officer,
District Elementary Education Office,
Thanjavur.

+1cc to Mr. A.R.Nixon, Advocate, S.R.No. 3082
+1cc to the Government Pleader, S.R.No. 3680

W.A.No. 2548 of 2013

SJ(CO)
GN(14/02/2019)