

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.34733 of 2014

and

M.P.No.1 of 2014

Tmt.P.Revathi,
Amma Ladies Hostel,
Elichathiram Road,
Sriram Nagar 1st Street,
Villupuram,
Villupuram District.

... Petitioner

Vs.

1. The Commissioner of Arts & Culture,
Egmore, Chennai - 600 008.
2. The Assistant Director (Administration),
Arts & Culture, Thanjavur,
Thanjavur District.
3. The Headmaster,
Government Music School,
Villupuram, Villupuram District.
4. M.Ramesh Kumar,
Thevaram Teacher,
Government Music School,
Villupuram,
Villupuram District.

... Respondents

[R4 - Impleaded as per order
dated 22.06.2017 by T.R.J. In
W.M.P.No.10618 of 2017 in
W.P.No.34733 of 2014]

PRAYER :

Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF CERTIORARI FIED MANDAMUS, calling for the records pertaining to the order passed by the first respondent in his Proceedings No.4391/E1/2009-1 dated 18.12.2014 and quash the same, and direct the respondents to confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For R1 to R3 : Mr.M.Karthikeyan
Additional Government Pleader

For R4 : No appearance

ORDER

The petitioner has filed the Writ Petition praying to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the order passed by the first respondent in his Proceedings No.4391/E1/2009-1 dated 18.12.2014 and quash the same, and direct the respondents to confer all the consequential benefits.

2.According to the learned counsel for the petitioner, the Government conducts various discipline such as Thevaram, Violin, Karnatic, Miruthangam, Thavil, Nathaswaram and Bharathanattiyam etc. at Government Music School in District Level. They appointed Special Teacher with specific qualification possessed by them. In so far as Thevaram discipline is concerned, they called for the names from the Employment Exchange to appoint Special Teacher and the Employment Exchange sponsored the eligible candidates to the respondent for appointment and the candidates appeared for the interview on 23.06.2013. The petitioner was selected and appointed as Devaram Teacher on 13.08.2013 and posted at Government Music School, Villupuram and she joined on 19.08.2013. The petitioner served with the impugned order dated 18.12.2014, terminating the petitioner's services on the ground that there is irregularity in the selection process for appointing to the post of Devaram teacher. Challenging the impugned order, the petitioner filed the present writ petition, before this Court.

3.The respondent Nos.1 to 3 filed the counter affidavit. Based on the counter affidavit, the Additional Government Pleader has submitted that R.Sivakumar was appointed as Devaram Teacher in District Government Music School, Sirkazhi, Tmt.P.Revathi, who secured lower marks was wrongly appointed instead of Mr.M.Rameshkumar in District Music School, Villupuram vide Proceedings Rc.No.4391/E1/2009-1, dated 13.08.2013 and the incumbent was working from 19.08.2013. According to the petitioner, the selected candidate fourth respondent was not qualified for the appointment to the aforesaid post.

5.It is stated by the Additional Government Pleader that the said Ramesh Kumar had passed IX Standard and had not passed XII Standard, the afore said appointment is purely on temporary

basis under Rule 10 (a) (i) of the Tamil Nadu Subordinate Service Rules. Therefore, no regular appointment made by the respondent for the above said post.

6. On instruction Mr.V.Gopala Krishnan, Superintendent, Department of Art and Culture appeared before this Court. The learned Additional Government Pleader would submit that the notification was issued through Tamil Daily Thanthi on 24.06.2018 by calling for the application to fill up the permanent vacancy to the post of Special Teacher Devaram for the Music School, Villupuram District. Pursuant to the said notification, the petitioner has also applied for the said post and the selection process for appointing regular teacher would be finalised at an earliest.

8. By accepting the said submissions of the learned Additional Government Pleader appearing for the respondent Nos.1 to 3, this Court is inclined to direct the respondents to complete the selection process for the appointment of the Regular teacher as expeditiously as possible without any delay. It is made clear that the termination of the petitioner vide impugned order would not stand on the way of the petitioner's name to be considered for the appointment to the post of Special Teacher Devaram along with other applicants.

9. With the above direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Arts & Culture,
Egmore, Chennai - 600 008.
2. The Assistant Director (Administration),
Arts & Culture, Thanjavur,
Thanjavur District.

3. The Headmaster,
Government Music School,
Villupuram,
Villupuram District.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.16554

+1cc to the Government Pleader, S.R.No.16039

W.P.No.34733 of 2014

PP(CO)
CS/14/06/2019



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