

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:27.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.22217 of 2019 and
W.M.P.Nos.21503 & 21505 of 2019

S.Mary Prema

...Petitioner

Vs.

1.The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
E.V.K. Sampath Maligai,
College Road, Chennai - 600 009.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 4.12.2009 in Na.Ka.No.5015/A4/2009 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to appoint the petitioner in the post of Secondary Grade Teacher based on her representations.

For Petitioner : Mr.L.P.Balajiram

For 1st Respondent : Mr.K.Karthikeyan
Government Advocate

For 2nd Respondent : Mr.C.Munusamy
Special Government Pleader

ORDER

What is challenged in the writ petition is the order passed by the 2nd respondent dated 04.12.2009 cancelling the appointment of the petitioner as Secondary Grade Teacher on the ground that she had not passed +2. It appears that the petitioner has already approached this Court earlier in W.P.No.27839 of 2010

and the said writ petition was disposed of on 16.04.2012 and the relevant portion of the order in paragraph 6 is extracted below:

"6.Since no direction was issued by this Court to keep one post vacant and the recruitment for the period from 2009 is already over, this Court is not inclined to interfere with the impugned proceedings except to direct the respondents to consider her claim for Teacher Recruitment Selection to be held for the year 2010-2011 on the basis of the claim that she is eligible and a qualified candidate holding SSLC Certificate of March 1984, and further the petitioner is also holding a pass Higher Secondary Certificate (+2) issued in March 2010. All these factors may be considered by the authorities at the time of the new application as per law. This Writ Petition is disposed of as above. No costs."

2. Thereafter, the petitioner appears to have approached this Court once again in W.P.No.18159 of 2014 seeking for a direction to dispose of the representation. The said writ petition was dismissed as being devoid of merits vide order of this Court dated 15.12.2017. Without disclosing the above fact, the present writ petition has been filed seeking to challenge the cancellation order dated 04.12.2009. First of all, this Court is unable to understand as to how the order which was passed in 2009 can be the subject matter of challenge after a period of 10 years in 2019 in the present writ petition. When earlier this petitioner approached this Court with similar cause of action, the same was disposed of on 16.04.2012 and thereafter, an other writ petition was filed seeking for a mandamus, which was dismissed as being devoid of merits on 15.12.2017. Unfortunately, without disclosing the said fact, the petitioner has approached this Court as if he is challenging the order of cancellation dated 04.12.2009 for the first time.

3. According to the petitioner, she has been making representation repeatedly in 2012, 2013, 2014 and 2019 etc. and since there was no reply, she was constrained to approach this Court with the present writ petition.

4. This Court is unable to accept the said averment contained in the affidavit filed in support of the writ petition in the face of the fact that the petitioner has already approached this Court twice with the same cause of action and failed to secure any orders in her favour. This is the third time by the petitioner has approached this Court for the same case of action, which according to this Court, is a gross abuse of

process of Court. It is not understood as to how the petitioner could be allowed to repeatedly approach this Court with the same cause of action that too a cause of action which originally arisen in 2009. There is absolutely no whisper in the affidavit as to how the present writ petition could be filed after a period of 10 years and what happened during the last few years, when the petitioner has merely made representations waiting for some reply from the respondents. The averments as stated in the affidavit are hardly convincing and cannot be a valid averments for the purpose of entertaining the writ petition. Therefore, the writ petition is totally devoid of merits and the same is also not maintainable as being severely hit by latches. Therefore, both on ground of delay as well as on the ground of latches, the Writ Petition is not maintainable and hence, the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Sgl
To

- 1.The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Secretariat, Chennai - 600 009.
- 2.The Chairman,
Teachers Recruitment Board,
E.V.K. Sampath Maligai,
College Road, Chennai - 600 009.
- 3.The Government Advocate,
High Court, Madras.

+1cc to Mr.B.Gurumurthy, Advocate SR.NO. 73675
+1cc to Government Pleader SR.NO. 74086

W.P.No.22217 of 2019

rgn(co)
nr 31/10/2019