

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-03-2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 30881 of 2018

- 1.S.Lucia
- 2.M.Vijayalakshmi
- 3.S.Soosai Mary
- 4.M.Sujatha
- 5.S.Amala
- 6.T.Prabhavathy
- 7.R.Magi Philomena

Petitioners

Vs

1. The Government of Tamilnadu,
Rep. By the Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-600 009.
2. The Directorate of Elementary Education,
College Road,
Chennai-600 006.
3. The Educational Officer,
Coimbatore.
4. The District Education Officer,
Coimbatore.
5. The Correspondent,
Bishop Oubagaram High School,
R.S.Puram,
Coimbatore-2.
6. The Correspondent,
Agnes Middle School,
Fort, Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to consider the petitioners representation dated 11.10.2018 in accordance

with the order made in W.A.No.1744/2015(batch of petitions) passed by the (full bench) of this Hon'ble Court dated 09.12.2016 thus extending the relief of G.O.Ms.No.216 dated 22.03.1993 to all the appropriate secondary teaching staff who are eligible for selection grade and special grade pay and pass any other order.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.A.Raja Perumal
Additional Government Pleader

O R D E R

The Full Bench of this Court in the judgment on 09.12.2016, on the same issue, in Paragraph No.38(iv) of the judgment, has categorically stated that the benefits as mentioned in the judgment shall be extended to the parties who approached the Court alone and no fresh writ petitions would be entertained on and from 09.12.2016.

2. The learned counsel for the writ petitioner states that the present writ petition is filed to direct the respondent to consider the representation.

3. Even to issue such a direction, the petitioner has to establish his legal rights. When the Full Bench of this Court has made it clear that no writ petition can be entertained in respect of the issue concerned, the writ petitioner cannot now seek a direction to dispose of the representation for the purpose of restoration of cause of action, which had already lapsed.

3. This apart, in respect of such directions to dispose of the representation, the Hon'ble Supreme Court of India in the case of Government of India and another vs. P. Venkatesh in C.A.No.2425 of 2019 dated 1st March 2019 held as follows:

'This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do not service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instances, thereby resulting in finality to the dispute.'

4. In the present case, finality had already reached and the full Bench has ruled that no writ petition can be entertained on and from 09.12.2016. Thus, the relief as such sought for in the present writ petition cannot be granted. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

ssb

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to the Government,
Government of Tamilnadu,
School Education Department,
Fort St.George,
Chennai-600 009.
2. The Directorate of Elementary Education,
College Road,
Chennai-600 006.
Coimbatore.
3. The Educational Officer,
Coimbatore.
4. The District Education Officer,
Coimbatore.

+1cc to Mr.C.D.Johnson, Advocate, SR.No. 24844
+1cc to the Govt.Pleader, Vide Sr.No.25151

W.P.No.30881 of 2018

CP(CO)
Kak(05/04/2019)

WEB COPY