

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.03.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 31267 of 2018

S.Saraswathi

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep by the Secretary to Government
Department of School Education
St. George Fort, Chennai.
 - 2.The Director of School Education
O/o.The Director of School Education
Nungambakkam, Chennai.
 - 3.The Joint Director of School Education
O/o.The Director of School Education
Nungambakkam, Chennai.
 - 4.The Chief Educational Officer
Thiruvannamalai,
Thiruvannamalai District.
- Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 08.10.2018 to appoint the petitioner as Lab Assistant in any of the school education department within the jurisdiction of the 4th respondent.

For Petitioner : M/s.S.Esairani Narasimman

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the petitioner's representation dated 08.10.2018 to appoint the petitioner as Lab Assistant in any of the School Education Department within the jurisdiction of the fourth respondent.

2. The writ petitioner participated in the process of selection for appointment to the post of Lab Assistant in Thiruvannamalai district, pursuant to the recruitment notification dated 22.04.2015. The petitioner participated in the examination and was successful. The fourth respondent communicated the interview call letter directing the the writ petitioner to appear on 11.04.2017 for certificate verification. The petitioner appeared before the fourth respondent along with the certificates. However, the petitioner was unable to produce the Destitute Widow Certificate as there was a delay in issuance of the said certificate by the competent authorities. Thus, the writ petitioner was not selected. The present writ petition is filed stating that the said Destitute Widow Certificate was issued on 28.04.2017 and the petitioner sent a representation to the respondents on 08.10.2018 along with the Certificate to consider her case for the appointment to the post of Lab Assistant.

3. This Court is of the considered opinion that such a course adopted by the petitioner is impermissible in law. Once the process of selection is concluded and the candidate, who participated in the selection, was not submitted the required documents there cannot be any further chance to get the certificate and submit the same, more specifically, after a lapse of about 2 years from the date of notification. This apart, the relief sought for in the present writ petition to consider the representation cannot be issued as the writ petitioner has not established even a semblance of legal right so as to consider the relief as such sought for in the present writ petition.

4. 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 no 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.

5. As far as the issue raised in the present writ petition is concerned, the writ petitioner was participated in the process of selection and during the course of interview, she was not in a position to submit the Destitute Widow Certificate and the said Certificate was obtained by the writ petitioner only on 28.04.2017, after completion of the selection process.

6. This being the factum, the writ petitioner is not entitled to the relief as such sought for in the present writ petition and the writ petitioner is at liberty to participate in the next forthcoming process of selection, if any informed by

the competent authorities in accordance with law.

7. According, this writ petition stands disposed of. There shall be no order as to cost.

Sd/-
Assistant Registrar (Insp. Cell)

//True Copy//

Sub Assistant Registrar

may

To

1. The Secretary to Government
Department of School Education
St. George Fort, Chennai.
2. The Director of School Education
O/o. The Director of School Education
Nungambakkam, Chennai.
3. The Joint Director of School Education
O/o. The Director of School Education
Nungambakkam, Chennai.
4. The Chief Educational Officer
Thiruvannamalai, Thiruvannamalai District.

+1cc to M/s. S. Erairani Narasimman, Advocate, S.R.No. 29516
+1cc to the Government Pleader, S.R.No. 29800

W.P. No. 31267 of 2018

SSI (CO)

RRS (03/05/2019)

सत्यमेव जयते

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