



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3608 of 2018 and
WMP(MD) No. 3739 of 2018

N.Prema

Petitioner

Vs

1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort St.George
Chennai - 600 009

2.The Director of School Education
College Road
Chennai - 600 006

3.The Joint Director of School Education (Vocational)
College Road
Chennai - 600 006

4.The Chief Educational Officer
Madurai,
Madurai District.

5.The District Educational Officer
Madurai,
Madurai District

6.The Headmaster
Velliveethiyar Corporation
Girls Higher Secondary School
Ponnagaram - 625016
Madurai District

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the service of the petitioner as Vocational Instructor in the sixth respondent school namely, Velliveethiyar Corporation Girls Higher Secondary School, Ponnagaram on par with the regularization of similarly placed candidates in light of G.O.Ms.No.35, School Education (V.I) Department dated 09.02.2007 with salary and all attendant benefits and pass such other suitable orders.



For Petitioner : M/s.K.Ragatheesh Kumar
for M/s. Issac Chambers
For Respondents : Ms.S.Srimathy
Special Government Pleader

O R D E R

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This Writ Petition is filed to direct the respondents to regularize the service of the petitioner as Vocational Instructor in the sixth respondent school namely, Velliveethiyar Corporation Girls Higher Secondary School, Ponnagaram on par with the regularization of similarly placed candidates in light of G.O.Ms.No.35, School Education (V.I) Department dated 09.02.2007 with salary and all attendant benefits, within a stipulated time fixed by this Court.

2. Ms.S.Srimathy, learned Special Government Pleader takes notice for the respondents

3. According to the petitioner, she possess M.A., B.Ed., Teacher Training Certification for Typewriting (Higher in both Tamil & English) and certificate course in Computer Application and she is presently working as Vocational Instructor in the 6th respondent School. In the year 2007, the Government decided to absorb the fully qualified Vocational Instructors in the regular time scale of pay vide G.O.Ms.No.35, School Education (V.I) Department dated 09.02.2007, in the scale of pay of Rs.4500-125-6000. Though the petitioner is eligible to be absorbed as Vocational Instructor, as per the above Government order, her name was left out in the list. Whereas the name of one P. Ravisangar, who was appointed along with the petitioner was found place in the list. Moreover, even after the petitioner has submitted her representations to the respondents on 11.04.2017 and on 15.06.2017, no effective steps have been taken by the respondents. Hence, the petitioner has come up with the present Writ Petition.

4. At this juncture, this Court wants to mention here that whenever the representation of this nature is made to the Statutory authority for redressing the claim of the petitioner, there shall be a duty cast upon the concerned respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duty and thereby this Court would be justified in invoking its extraordinary power under Article 226 of the Constitution of India and to direct the concerned authorities to consider the representation, within the stipulated time.

5. Moreover, considering the nature of relief sought for in the Writ Petition, this Court directs the respondents to consider the representation of the petitioner dated 15.06.2017, on merits and pass appropriate orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort St.George
Chennai - 600 009
 - 2.The Director of School Education
College Road
Chennai - 600 006
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College Road
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 - 4.The Chief Educational Officer
Madurai,
Madurai District.
 - 5.The District Educational Officer
Madurai,
Madurai District.
- +1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-103100[F] dated 03/12/2019)

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VRN

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