



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No. 2749 of 2014andM.P.(MD)No. 1 of 2014

N.S. Vasanthy

...Petitioner

Vs.

1. The State of Tamilnadu

Represented by its Secretary
Department of School Education,
Fort Saint 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 Teachers Recruitment Board,
Represented by its Chairman,
4th Floor, E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

5. The Chief Educational officer,
Kanyakumari District,
Nagercoil 629 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents-1 to 4 to conduct the Special Test as per G.O.Ms. No.187 School Education dated 04.10.2006 and G.O.Ms.No.188 dated 04.10.2006 in accordance with law within a reasonable time.

For Petitioner

: Mr. A. Rajkumar Sen



For Respondent-4

: Mr.V.R. Shanmuganathan
Special Government Pleader

ORDER

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The relief sought for in the present writ petition is for a direction to direct the respondents-1 to 4 to conduct the Special Test as per G.O.Ms. No.187 School Education, dated 04.10.2006 and G.O.Ms.No.188, dated 04.10.2006.

2.The learned counsel for the writ petitioner states that the petitioner was appointed as Computer Instructor on 23.08.1999 on contract basis by the ELCOT, a unit of Government of India. The consolidated salary was paid and the consolidated salary was subsequently enhanced as Rs.2000/- per month. The writ petitioner was working on contract basis during the relevant point of time. However, the Government took a policy decision by framing a scheme of absorbing the temporary employees by conducting special qualifying test in G.O. Ms. No.155 dated 19.09.2006. In view of the fact that the writ petitioner was not possessing the requisite qualification and there was a break in service, she was not permitted to participate in the Special Qualifying test conducted by the Government. Thus, the writ petitioner now filed the writ petition seeking a direction to conduct the special test.

3. Once, the writ petitioner was not possessing a requisite qualification for participating in the special qualifying test during the relevant point of time, the Court cannot issue any direction to conduct the special test only for the writ petitioner itself. The writ petitioner was not permitted on account of the fact that there was a break in service and accordingly, the competent authorities had not issued the Hall Ticket for the purpose of participating in the examination. Under these circumstances, after a lapse of many years, now, the writ petitioner cannot seek a direction for the purpose to conduct the special qualifying test for the writ petitioner alone. This apart, the special qualifying test was conducted during the year 2006 and the writ petition itself was filed on 04.02.2014 after a lapse of eight years from the date of conduct of the special qualifying test. Thus, there is an enormous delay in approaching the Court by way of writ petition. Thus, the writ petitioner has not pursue the remedy vigilantly and prudently. Under these circumstances, this Court has to consider the basic fact that the writ petitioner was appointed on contract basis and on account break in service, she was not permitted to write the special qualifying test during the year 2006 and the present writ petition is filed after a lapse of 8 years from the date of the special qualifying test.



4.This being the factum, the writ petition deserves no merits consideration. The writ petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary, State of Tamilnadu,
Department of School Education,
Fort Saint 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 Chairman, Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai - 600 006.
5. The Chief Educational officer,
Kanyakumari District,
Nagercoil 629 001.

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