

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16815 of 2013

And

M.P.No.1 of 2013

Ms.Gandhimathi

... Petitioner

Vs.

1.The Director of School Education
DPI Complex, College Road,
Chennai - 6.

2.The Chairman Teacher Recruitment Board,
EVK Sampath Building,
College Road,
Chennai - 6.

3.The Joint Director of School Education (Higher Secondary)
DPI Complex, College Road,
Chennai - 6.

4.The Chief Educational Officer,
Thiruvallur, Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to give the posting order to the petitioner as a Post Graduate Assistant (Tamil) in pursuance of the appointment order issued by the joint director of school education (higher secondary) in his proceedings barring Reference No.97646/W3/E1/2012 dated 12/12/2012.

For Petitioner : Mr.K.H.Ravikumar

For Respondents: Mr.S.Suresh Kumar for R1, R3 and R4
Government Advocate
Mr.C.Munusamy for R2
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to give the posting order to the petitioner as a Post Graduate Assistant (Tamil) in pursuance of the appointment order issued by the Joint Director of School Education (Higher Secondary) in his proceedings bearing Reference No.97646/ W3/E1/2012 dated 12.12.2012.

2.The case of the petitioner is that the petitioner, based on the advertisement published by the second respondent, applied for the post of Post Graduate Assistant and appeared for the exam on 27.05.2012 and secured 112 marks. Thereafter, the petitioner was called for Certificate Verification by the second respondent on 30.09.2012 and the petitioner was selected and was given appointment order by the third respondent vide proceedings dated 12.12.2012.

3.It is the further case of the petitioner that the fourth respondent vide proceedings dated 28.12.2012 called upon the petitioner to participate in the posting counselling and the petitioner also participated in the counselling held on 31.12.2012, however, she was not issued with any posting order. Hence, the petitioner made representation to the respondents seeking issuance of posting order for the post of Post Graduate Assistant (Tamil) in Thiruvarur District and since there was no action, has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner completed X Standard during March, 1986; XII Standard during March, 1988; B.Sc.(Chemistry) during April, 1991; M.A.(Tamil) during April, 1993; B.Ed. during April, 1994; M.Phil during April, 1995 and B.Litt. during May, 2010. Hence, the petitioner is fully qualified to be appointed to the post of Post Graduate Assistant (Tamil).

5.The learned counsel appearing for the petitioner would further submit that though the petitioner was given appointment order by the third respondent vide proceedings dated 12.12.2012, she was not given any posting order. Hence, this Court may direct the respondents to implement the order of the third respondent dated 12.12.2012.

6.The learned Government Advocate would submit that the petitioner has not completed the Under Graduate Degree in Tamil and hence she was not given the posting order.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Perusal of records disclose that the petitioner has acquired B.Sc.(Chemistry) during April, 1991; M.A.(Tamil) during April, 1993; B.Ed. during April, 1994; M.Phil during April, 1995 and B.Litt. during May, 2010. The petitioner has not been issued with the posting order on the ground that the petitioner has not acquired the Under Graduate Degree in Tamil, however, the said stand deserves to be negatived for the simple reason that the petitioner has acquired B.Litt. which is an Under Graduate course in Tamil.

9.Further, it is to be pointed out that B.Litt. Course is mainly done by persons pursuing a career in Tamil language, more especially by persons, who aspire to become poets. Therefore, the non issuance of posting order to the petitioner on the ground that she did not acquire the Under Graduate Degree in Tamil is un-sustainable one.

10.Hence, this writ petition is allowed. The concerned respondent is directed to give posting order to the petitioner as Post Graduate Assistant (Tamil) in pursuance of the appointment order issued by the Joint Director of School Education (Higher Secondary) vide proceedings bearing Reference No.97646/W3/E1/2012 dated 12.12.2012.

11.The writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Director of School Education
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Chennai - 6.

2.The Chairman Teacher Recruitment Board,
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College Road,
Chennai - 6.

3.The Joint Director of School Education (Higher Secondary)
DPI Complex, College Road,
Chennai - 6.

4.The Chief Educational Officer,
Thiruvallur, Thiruvallur District.

+1 cc to M/s.K.H.Ravikumar, Advocate Sr.No. 29555
+1 cc to The Government Pleader, Sr.No. 29510

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JP (CO)
RMP (16/10/2020)



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