

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.4011 of 2020

S.Maria Michael

... Petitioner

-Vs-

1.The Secretary,
School Education Department-Tamil Nadu
Fort St.George, Chennai 600 009.

2.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Gengureddy Road, Egmore,
Chennai 600 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider petitioners representation dated 16.12.2019 and approve of petitioner's eligibility for advancement to Selection Grade in the next higher post (Physical Director Grade II) by taking into account of the completion of 20 years in the lower post (P.E.T.) as on 19.10.1987 in the light of G.O.Ms.No.210 P and AR (Per-S) Department dated 11.3.1987 and P and AR (S) Department Letter No. 13097 / S / 95-4 dated 13.6.1995 along with consequent monetary and pensionary benefits.

For Petitioner : Mr.Dr.S.Diraviam Dinesh

For Respondents : Mrs.V.Annalakshmi
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner, who is seeking for certain monetary benefits and consequential pensionary benefits.

2. The case of the petitioner is that he was working as a Physical Education Teacher (P.E.T) and he attained superannuation on 31.05.2002. According to the petitioner, from 31.01.1981 up to 31.05.2002, the petitioner was handling Higher Secondary classes (11th & 12th Std). Therefore, according to the petitioner he becomes eligible for advancement to the selection grade scale of pay. The petitioner made a representations in this regard and also approached this court by filing WP No.10756 of 2008. This Court disposed of the said writ petition by an order dated 02.09.2008 and gave certain directions to the respondents. Pursuant to the orders passed by this Court, the 3rd respondent by letter dated 20.10.2008, rejected the claim made by the petitioner. The petitioner was again making representations to the higher authorities. The Director of School Education by his letter dated 19.10.2015, again rejected the claim made by the petitioner. Even this letter was not challenged by the petitioner and the petitioner made several representations to the Government. The Principal Secretary to Government by his letter dated 05.09.2018, rejected the claim made by the petitioner. Even this was not challenged by the petitioner before this Court.

3. The petitioner was making RTI Application to the concerned authorities, calling for information and ultimately, the petitioner made a representation to the respondents on 16.12.2019 and since the same was not considered by the respondents, the present writ petition has been filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. In the considered view of this Court, the petitioner having not chosen to challenge the letter dated 19.10.2015 of the Director of School Education and letter dated 05.09.2018 of the Principal Secretary to Government of Tamil Nadu, cannot maintain a writ petition seeking for a Mandamus. Once the respondent have taken a very clear stand, the petitioner is not entitled for the relief sought for in this writ petition. The petitioner cannot try to create a cause of action by giving representations. The petitioner is already aged about 77 years and the petitioner was not vigilant enough to approach this Court within a reasonable time.

6. In the considered view of this Court, no useful purpose will be served by directing the respondent to consider the representation made by the petitioner, since the petitioner has not challenged the earlier orders rejecting her claim and

therefore, this Court does not find any ground to entertain this writ petition and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar (ADI (MDU))

//True copy//

Sub Assistant Registrar

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To

1.The Secretary,
School Education Department-Tamil Nadu
Fort St.George, Chennai 600 009.

2.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Gengureddy Road, Egmore,
Chennai 600 008.

+2cc to Mr.Dr.S.Diraviam Dinesh, Advocate SR.No.13956

+1cc to Government Pleader SR.No.14659

W.P.No.4011 of 2020

SR(CO)
GMY (22/05/2020)

सत्यमेव जयते

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