

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 25676 of 2017

A.Kalaingiya rani

..Petitioner

Vs

1. The Director of School Education,
Office of the Director of School Education,
DPI Campus, Chennai

2.The Head Master,
Government High School,
Kamaraj Nagar, Avadi,
Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularise the petitioner's post in the second respondent school as B.T. Assistant (Tamil) and to pass such further or other order or orders.

For Petitioner : M/s. I.Arockia Selvaraj

For Respondents : Mrs. P.Kavitha, GA

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to regularise the petitioner's post in the second respondent school as B.T. Assistant (Tamil).

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the documents available on record.

3. The learned counsel for the petitioner has submitted that the petitioner was appointed as Teacher in Tamil in Government Mannargudi Ondrium, Nagai District in the year 2010 to 2011 and due to the life threat to the petitioner as she married without consent of their parents, she was transferred

temporarily to Chennai and joined in the second respondent school and she has been continuing in the said place. The learned counsel further submitted that the 2nd respondent issued a letter indicating that there is vacant in the post of Tamil Teacher -B.T Assistant. The petitioner has made a representation to the first respondent to consider her for the said post and the same is still pending without consideration. Therefore, the petitioner has now filed the present writ petition seeking regularization of the petitioner's post in the second respondent school as B.T Assistant (Tamil).

4. The learned Government Advocate has submitted that the petitioner was transfer to the 2nd respondent school on temporary basis and therefore the prayer sought for by the petitioner cannot be granted unless the said post is a sanctioned post. However, the learned Government Advocate has submitted that if any fresh request is made by the petitioner, the shall be considered by the respondents as per the prevailing rules.

5. The contention of the writ petitioner is that the writ petitioner was transferred to Chennai and joined the 2nd respondent school only due to extraordinary circumstances that prevailed at that time and life threat that arose consequent to her marriage, therefore, she requested for regularization of service in the 2nd respondent School as BT Assistant (Tamil). As rightly pointed out by the learned Government Advocate, the request of the writ petitioner cannot be accepted. However by taking into considering the distance of time and the submissions made by the learned Government Advocate, the following directions are issued;

- i. The writ petitioner is permitted to make fresh application to the first respondent for her relief.
- ii. If any such request is received, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions if any, are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ak

To

1.The Director of School Education,
Office of the Director of School Education,
DPI Campus, Chennai

2.The Head Master,
Government High School,
Kamaraj Nagar, Avadi,
Chennai.

W.P.No. 25676 of 2017

PP (CO)
CB (24/02/2020)



WEB COPY