

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.35490 of 2019

Parthasarathi

Petitioner

vs.

1. The Joint Director (Personal)
Department of School Education,
Chennai - 600 005.
2. The Revenue Divisional Officer,
RDO Officer, Thanjavur - 613 007.
3. The Commissioner of Revenue Administration,
Revenue Administration Office,
Ezhilagam, Chepauk,
Chennai - 4.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent authority to consider the petitioner representation dated 04.07.2019 based on the G.O.Ms.No.42, P & AR (Per.P) dated 13.01.1984.

For Petitioner : M/s.K.J.Shiva Arudhra

For Respondents: Mr.P.S.Shivashanmuga Sundaram
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondent to consider the representation made by the petitioner on 04.07.2019 and pass orders within a time fixed by this Court.

2.The case of the petitioner is that he was originally selected for the post of Village Administrative Officer through TNPSC and he joined as Village Administrative Officer in the year 2015. Thereafter, he applied for Group-II-A examination conducted by TNPSC and he was selected and posted as Assistant of a School under the Education Department. It is the further case of the petitioner that he was not able to continue in the newly selected post and therefore, requested the authorities expressing his willingness to go back to the original post of Village Administrative Officer and for this purpose the petitioner relied upon G.O.Ms.No.42, dated 13.01.1984.

3.The petitioner had already approached this Court by filing W.P.No.24938 of 2018 and this Court passed the following order on 21.03.2018:

The learned counsel appearing on behalf of the writ petitioner after arguing the matter for the considerable length of time by stating that, the writ petitioner was directly recruited assistant and now working in the Education Department.

2. He wants to go back to his earlier post namely Village Administration Officer. This Court expressed that, the writ petitioner was relieved from the post of Village Administration Officer and now directly recruited to the post of Assistant and working in the Education Department. He cannot seek reversion to the erstwhile employment namely, to the Village Administration Officer post in Revenue Department.

3. Under these circumstances, the learned counsel for the writ petitioner states that, the matter is under consideration before the Competent Authorities and the writ petitioner is willing to withdraw the writ petition. Accordingly, the writ petition stands dismissed as withdrawn. No Costs.

4.According to the petitioner, the earlier writ petition was withdrawn with a bona fide belief that the case of the petitioner is under active consideration before the competent authority and therefore, the petitioner thought it fit not to pursue further with the writ petition and workout his remedy before the authorities. After the disposal of the writ petition, the petitioner made a detailed representation on 04.07.2019 to the 1st respondent and he also brought to the notice of the respondent about the writ petition filed and withdrawn and he requested the 1st respondent to pass appropriate orders based on the representation. Since, the same did not evoke any response, the present writ petition has been filed before this Court.

5.Heard Mr.K.J.Shiva Arudhra, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents.

6.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner, dated 04.07.2019, strictly in accordance with law

and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with the copy of the earlier representation dated 04.07.2019 and also a copy of this order. The petitioner shall also mark a copy of the same to the 2nd and 3rd respondent.

7.This writ petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Joint Director (Personal)
Department of School Education,
Chennai - 600 005.
2. The Revenue Divisional Officer,
RDO Officer, Thanjavur - 613 007.
3. The Commissioner of Revenue Administration,
Revenue Administration Office,
Ezhilagam, Chepauk,
Chennai - 4.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.K.J.Shiva Arudhra Advocate sr50
+1 cc to M/s.Government Pleader sr448

W.P No.35490 of 2019

bp(co)
aa18/02/2020