

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.833 of 2021 and  
W.M.P.Nos.901 and 904 of 2021

P.Buvaneswari

... Petitioner

-vs-

1. The Government of Tamil Nadu,  
Rep. by its Secretary to the Government,  
Education Department,  
Secretariat, Chennai-600 009.
  2. The Secretary,  
Teachers Recruitment Board,  
College Road, Chennai-600 006.
  3. The Director,  
Directorate of School Education,  
DPI Compound, Chennai-600 006.
- ... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation dated 30.12.2020 and provide the post of Computer Instructors Grade-I (Post Graduate cadre) in Education Department for the year 2018-2019 with seniority, vide Notification No.09/2019 dated 01.03.2019 to the petitioner.

For Petitioner : Mr.P.Saravanan

For R1 & R3 : Mr.P.Raja  
Govt. Advocate

For R2 : Mr.C.Munusamy  
Spl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition seeking a direction to the 2nd respondent to consider the representation dated 30.12.2020 and provide the post of Computer Instructors Grade-I (Post Graduate cadre) in Education Department for the year 2018-2019 with seniority, vide Notification No.09/2019 dated 01.03.2019 to the petitioner.

2. Mr.P.Raja, learned Government Advocate takes notice for R1 & R3 and Mr.C.Munusamy, learned Special Government Pleader for R2. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, she, who belongs to Hindu-Arunthathiyar (SC) community, completed her M.Sc. Computer Science and Bachelor of Education and pursuant to the Notification No.09 dated 01.03.2019, issued by the 2nd respondent, she applied for the post of Computer Instructors Grade-I. It is the case of the petitioner that she has passed the written examination, that she was called for certificate verification on 08.01.2020 and that her name was found in the provisional selection list published by the 2nd respondent on 11.01.2020. It is further case of the petitioner that one Sriranjani and others filed W.P.No.35198 of 2019, challenging the provisional selection list and this Court was pleased to appoint One Man Committee for submission of a report with regard to the alleged malpractices. It is the grievance of the petitioner that though her name was found in the revised selection list issued by the 2nd respondent on 28.12.2020, no appointment order has been issued to the petitioner. In this regard, the petitioner made a representation dated 30.12.2020 to the respondents for issuance of appointment order. Since the said representation did not evoke any response, she is before this Court.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents, more particularly, 2nd respondent herein to consider the representation preferred by the petitioner dated 30.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 05.01.2021 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

ar  
To:

1. The Secretary to the Government,  
Government of Tamil Nadu,  
Education Department,  
Secretariat, Chennai-600 009.
2. The Secretary,  
Teachers Recruitment Board,  
College Road, Chennai-600 006.
3. The Director,  
Directorate of School Education,  
DPI Compound, Chennai-600 006.

+1 CC to Mr.P.Saravanan, Advocate sr 2092.  
+1 Cc to The Government Pleader sr 2146.

W.P.No.833 of 2021

PL (CO)  
SP(01/04/2021)



WEB COPY