

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1670 of 2021

R.Bharani

... Petitioner

Vs

1. The Director of Elementary Education,
DPI, Chennai - 600 006.
 2. The Chief Educational Officer,
Villupuram District.
 3. Block Educational Officer,
Gingee Block,
Villupuram.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the third respondent herein to regularize the services of the petitioner for the period from 16.11.2018 till 08.09.2019 with all service and monetary benefits including salary.

For Petitioner : Mrs.Dakshayani Reddy
For Respondents : Mr.D.Raja
Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for a direction to the third respondent to regularize the services of the petitioner for the period from 16.11.2018 till 08.09.2019 with all service and monetary benefits.

3.According to the petitioner, she was originally appointed as Secondary Grade Teacher with effect from 26.03.2008. Subsequently, she was transferred to the Aided Elementary School, Athiyur Village, Gingee Block on 09.01.2014. While so, as per the policy of the Government, the Aided School students were transferred to the newly opened Government School, whereas the petitioner was not absorbed into the Government School, but she was posted on deputation into Union School at Poonnagkuppam.

4.It is the further case of the petitioner that during the course of hearing in W.P.No.7419 of 2015 filed by the petitioner, the respondents therein gave an undertaking that the petitioner would be absorbed into the school at Poonnagkuppam. However, the petitioner was absorbed in Olithiyanpattu Arunachala Aided Middle School at Vannor Block, Villupuram District. Aggrieved over the same, she filed WP.No.30542 of 2018 and obtained an order of status quo. Despite the interim order, neither the petitioner was permitted to join duty in the Aided school nor she was paid salary. Hence, she filed WP.No.20384 of 2019 before this Court seeking to absorb her to any other Aided school in Gingee Block. At the time of hearing the said writ petition, it was represented on the side of the respondents that the petitioner was accommodated in an Aided school by proceedings dated 28.08.2019. Recording the same, the writ petition was closed with liberty to the petitioner to make a representation to the appropriate authority and work out her rights in accordance with law. Pursuant to the same, the petitioner submitted a representation dated 28.08.2020 to the respondents to regularise the services of the petitioner from 16.11.2018 to 08.09.2019. The second respondent by proceedings in Na.Ka.No.11983/E2/2018 dated 17.07.2020, directed the third respondent to pass orders on the request of the petitioner. But, till date no orders have been passed by the third respondent. Hence, this writ petition.

5.When the matter came up for admission, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondents to consider the representation of the petitioner, within a time frame to be stipulated by this Court.

6.Mr.D.Raja, learned Government Advocate taking notice for the respondents, has no serious objection for granting such relief to the petitioner.

7.Considering the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 28.08.2020 seeking regularisation, on the basis of the recommendation of the second respondent dated 17.07.2020 and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi

To

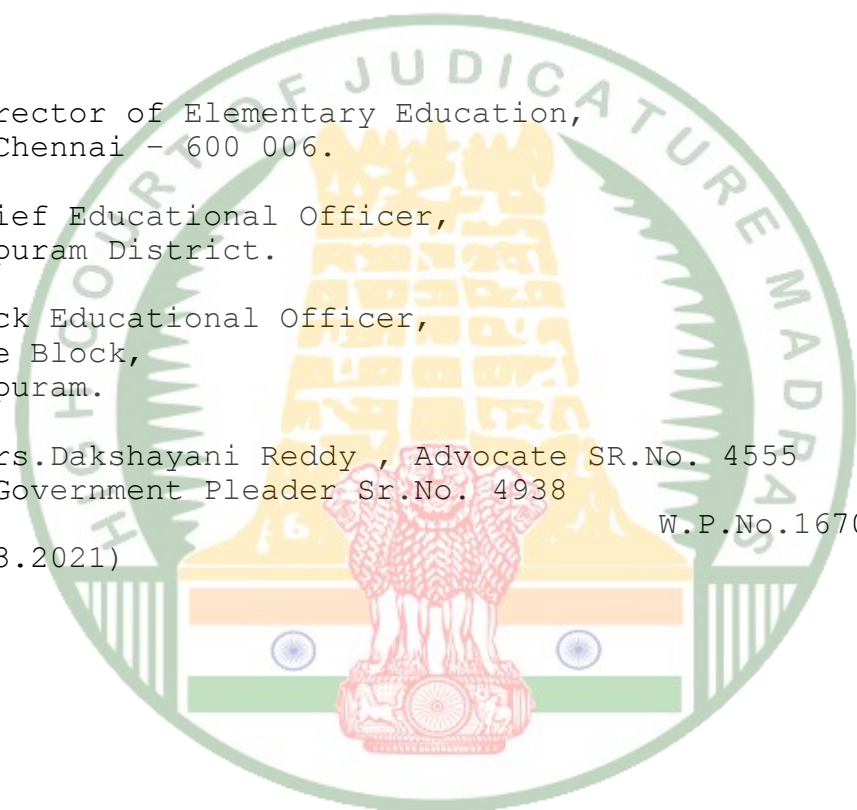
1. The Director of Elementary Education,
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Villupuram District.
- 3.The Block Educational Officer,
Gingee Block,
Villupuram.

+1cc to Mrs.Dakshayani Reddy , Advocate SR.No. 4555

+1 cc to Government Pleader Sr.No. 4938

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A.SK(03.03.2021)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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