

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5392 of 2021
and
W.M.P.No.5988 of 2021
(Heard through VC)

N.C.Mary Maria

.. Petitioner

-vs-

1. The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Thiruvallur,
Thiruvallur District.
3. The District Educational Officer,
Office of the District Educational Officer,
Thiruvallur,
Thiruvallur District.
4. The Correspondent,
Don Bosco Higher Secondary School,
Pannur - 602 108,
Thiruvallur District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioner by rectifying the date of appointment as 02.06.2008 instead of 20.06.2008, in the order of approval dated 26.11.2008 in Ni.Mu.No.16309/A4/2008 and consequential entry in the Teacher Service Register with service and monetary benefits pertaining to the same.

For Petitioner : Ms.A.Arulmary

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to regularize her services by rectifying the date of appointment as 02.06.2008 instead of 20.06.2008 in the approval order dated 26.11.2008 in Ni.Mu.No.16309/A4/2008 and consequential entry in the Teacher Service Register with service and monetary benefits pertaining to the same.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

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

4. According to the petitioner, she is working as B.T. Assistant (English) in the fourth respondent school from 02.06.2008. She was appointed in the vacancy that arose due to resignation of one Miss.Anju Anna Luke. The fourth respondent has forwarded the proposal to the third respondent on 25.06.2008. The third respondent after verifying the genuineness of the certificates had issued proceedings in Ni.Mu.No.16309/A4/2008 dated 26.11.2008, in which, the appointment of the petitioner has been erroneously approved with effect from 20.06.2008 instead of 02.06.2008. In this regard, the petitioner has submitted a representation dated 23.07.2020 to the fourth respondent, who in turn, has forwarded the same to the third respondent to rectify the error with regard to the date of appointment mentioned in the proceedings dated 26.11.2008. But, till date, there is no response from the third respondent. Hence, the petitioner has filed this writ petition.

5. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 23.07.2020 to rectify the error with regard to the date of appointment mentioned in the proceedings dated 26.11.2008, but, the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the respondents on merits.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the third respondent, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents, more particularly, the third respondent herein to consider the representation submitted by the petitioner dated 23.07.2020, 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 60 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, 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 third 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 23.07.2020 and this order, to the third respondent forthwith;

v) The third 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. Consequently, the connected miscellaneous petition is closed. No costs.

sd/-
Assistant Registrar (CS VII)

//True Copy//

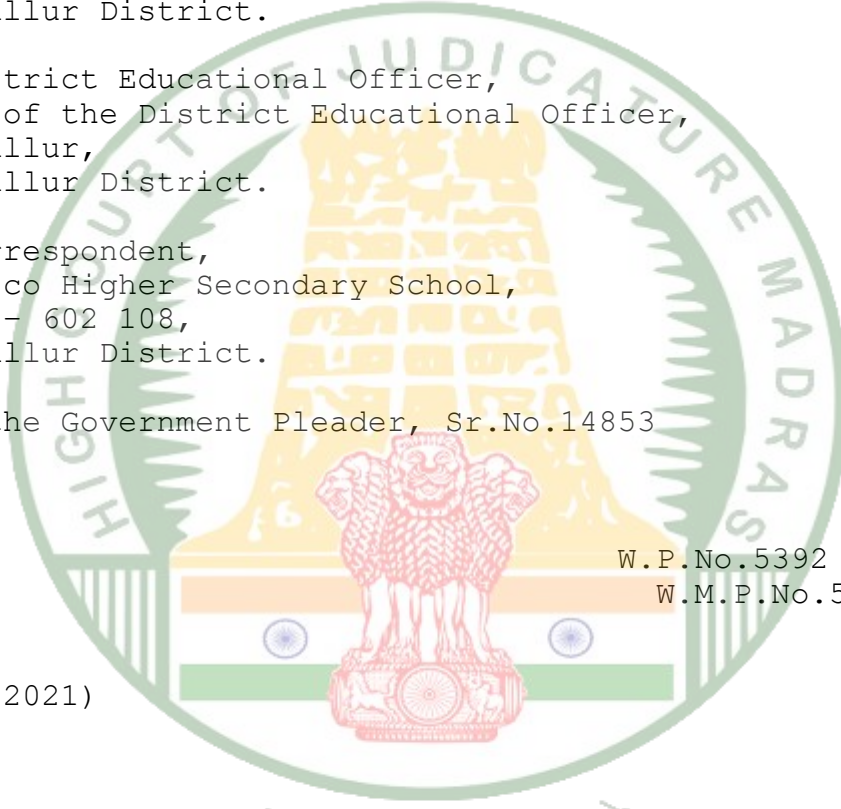
Sub Assistant Registrar

To

1. The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.
 2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Thiruvallur,
Thiruvallur District.
 3. The District Educational Officer,
Office of the District Educational Officer,
Thiruvallur,
Thiruvallur District.
 4. The Correspondent,
Don Bosco Higher Secondary School,
Pannur - 602 108,
Thiruvallur District.
- + 1cc to the Government Pleader, Sr.No.14853

W.P.No.5392 of 2021 and
W.M.P.No.5988 of 2021

GPL (CO)
TE (23/04/2021)



सत्यमेव जयते

WEB COPY