

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.3273 of 2012

S.Geetha

...Petitioner

-Vs-

1.The District Elementary Educational Officer
O/o District Elementary Educational Officer
Villupuram,
Villupuram District.

2.The Assistant Elementary Educational Officer
Vikravandi Union,
Villupuram District.

3.The Additional Assistant Elementary Educational
Officer, Vikravandi Union,
Villupuram District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to pass appropriate orders to confer all the service and monetary benefits to the petitioner on par with Mrs.Subbulakshmi from the date on which the petitioner joined the present Unit namely 05.10.1988 and to confer all consequential service and monetary benefits by considering the representations dated 05.03.2009 and 06.03.2009 on merits and in accordance with law within a time that may be stipulated by this Honourable Court.

For Petitioners : Mr.S.Nedunchezian
for Mr.G.Sankaran

For Respondents : Mr.S.Suresh Kumar,
Government Advocate

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to pass appropriate orders to confer all the service and monetary benefits to the petitioner on par with Mrs.Subbulakshmi from the date on which the petitioner joined the present Unit namely 05.10.1988 and to confer all consequential service and monetary benefits by considering the representations dated 05.03.2009 and 06.03.2009 on merits and in accordance with law within a time that may be stipulated by this Honourable Court.

2. The case of the petitioner in a nut shell is that, she was appointed on 05.10.1988 as Secondary Grade Teacher at the Vikravandi Panchayat Union School. On the same day, another teacher by name Mrs.P.Subbulakshmi stood transferred to the said Vikravandi Panchayat Union School and she joined as Secondary Grade Teacher. However, when the inter-se seniority list was released, the said teacher's name has been placed above the petitioner's name. By virtue of the same, the seniority as well as the subsequent promotion of the petitioner seems to have got affected. Therefore, in this regard, the petitioner had given two representations on 05.03.2009 and 06.03.2009 to the respondents, viz., the first respondent as well as the second respondent. It is the grievance of the petitioner that, even in the seniority list of middle school headmasters dated 01.01.2009 issued by the respondents, the name of the petitioner was shown in Serial No.21, whereas the other teacher's name was shown in Serial No.3.

3. Therefore, in order to rectify this anomaly in fixing seniority between the petitioner and the other incumbent, the petitioner has given the aforesaid representations and those representations since have not been considered, this writ petition has been filed with the aforesaid prayer.

4. Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondents would submit that, the petitioner is still working there. If at all the petitioner has still any grievance with regard to the inter-se seniority at various stages and based on which, she raised the same in the two representations referred to above, that would be looked into and those representations would be considered and decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. I have considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate

for the respondents and have also perused the materials placed on record.

6. In view of the innocuous nature of the prayer sought for in this writ petition, where, only a direction was sought for to direct the respondents to consider the representations submitted by the petitioner dated 05.03.2009 and 06.03.2009 and take a decision thereon within a time frame, this Court is inclined to dispose of this writ petition with the following order.

7. That the respondents especially the first respondent is directed to consider the representations of the petitioner dated 05.03.2009 and 06.03.2009 and decide the same on merits and in accordance with law, after giving notice to the petitioner as well as the other incumbent Mrs. P. Subbulakshmi and pass orders thereon on merits, within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner shall also forward a copy of the said representations dated 05.03.2009 and 06.03.2009 along with a copy of this order to the first respondent and on receipt of the same, the needful as indicated above shall be undertaken by the respondents.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Elementary Educational Officer
O/o District Elementary Educational Officer
Villupuram,
Villupuram District.

2.The Assistant Elementary Educational Officer
Vikravandi Union,
Villupuram District.

3.The Additional Assistant Elementary Educational
Officer, Vikravandi Union,
Villupuram District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.13454

+1cc to the Government Pleader, S.R.No.14192

W.P.No.3273 of 2012

PL(CO)
RN(11/05/2021)