

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.8303 OF 2021

Rajakumari

... Petitioner

-vs-

1. The State of Tamil Nadu
Rep.by its Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.
2. The Director of School Education
College Road,
Chennai 600 006.
3. The Director of Elementary Education
College Road,
Chennai 600 006

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularise the petitioner service from the initial date of the petitioner's appointment till 01.06.2006 with all consequential monetary and service benefits.

For Petitioner : M/s.Sowmi Rexi
for Mr.B.Ram Prasath

For Respondents : Mr.P.Raja
Government Advocate

ORDER

This writ petition has been filed, seeking a direction to the respondents to regularise the petitioner's service from the initial date of the his appointment till 01.06.2006 with all consequential monetary and service benefits.

2. According to the petitioner she has been selected as Secondary Grade Teacher by direct recruitment by the Teachers Recruitment Board in the year 2004-2005, only against existing permanent vacancy as per GO Ms.No.100, School Education Department dated 27.06.2003 after conduct of proper examination. The District Elementary Educational Officer (DEEO) vide his proceedings dated 20.10.2004 appointed the petitioner as Secondary Grade Teacher and posted at Panchayat Union School, Mettupalayam, Thandarampattu Panchayat, Thiruvannamalai. The Additional Assistant Elementary Educational Officer (DEEO) vide his proceedings permitted the her to join duty on 26.10.2004. Petitioner's service was regularised only from 01.06.2006 vide proceedings of the DEEO as per the GO Ms.No.99, School Education Department dated 27.06.2006. Thereafter she sent a representation dated 11.03.2021 to regularise her service from the original date of appointment i.e., on 20.10.2004. Since there was no reply from the respondents the petitioner has approached this Court with the present writ petition.

3. 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 and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 11.03.2021 if the petitioner is found to be eligible 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 respondents 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 11.03.2021 and this order, to the respondents forthwith;

v) The respondents are 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.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dpq

To:

1. The Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
2. The Director of School Education
College Road, Chennai 600 006.
3. The Director of Elementary Education
College Road, Chennai 600 006.

+1cc to the Government Pleader, S.R.No.21429

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VBM(CO)
CS/12/07/2021