



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23530 of 2021
and
W.M.P.No.24752 of 2021

(Through Video Conferencing)

S.Selvi

...Petitioner

Vs

1. The Commissioner for School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Kancheepuram,
Kancheepuram District - 631 502.
3. The District Educational Officer,
The Office of the District Educational Officer,
Chennai Central, Chennai - 600 015.
4. The District Educational Officer,
The Office of the District Educational Officer,
St. Thomas Mount, Chrompet,
Chengalpet District, Chennai - 600 044.
5. The Correspondent,
St. Antony's Girls' Higher Secondary School,
Mylapore, Chennai - 600 028.
6. The Correspondent,
St. Theresa Girls Higher Secondary School,
No.1, Rajendra Prasad Road,
Pallavaram, Chennai - 600 043.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second to fourth respondents to accord approval to the



petitioner Mrs.S.Selvi, presently working as B.T.Assistant (History) in the sixth respondent school, St. Theresa's Girls' Higher Secondary School, No.1, Rajendra Prasad Road, Pallavaram, Chennai - 600 043, regularizing her services from the date of her initial appointment, with effect from 06.07.2012 instead of 19.08.2013, with all service and monetary benefits.

For Petitioner : M/s.Father Xavier Associates

For Respondents :

For R1 to R4 : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first to fourth respondents.

2. The petitioner has filed this writ petition for issuance of a mandamus to accord approval to the petitioner with effect from 06.07.2012, being the date of her joining in the fifth/sixth respondent School.

3. Appearing on behalf of the petitioner, learned counsel submits that the issue is no longer res integra and is covered by several decisions of this Court particularly in the case of S.D.Rajkumar Vs. State of Tamil Nadu, represented by its Secretary to Government, School Education Department, Secretariat, Chennai - 9 in W.A.(MD).No.456 of 2008, vide order dated 04.08.2008. The relevant portion from the said decision/order reads as under:-

"4. It has been brought to our notice that in similar circumstances, the Government has issued orders in respect of similar employees approving their services from the date of their initial appointment. When once the ban is revoked, the Government should have considered and approved the appointment of the petitioner from the date of his initial appointment. Therefore, the orders of the learned Single Judge needs to be modified to the extent. Accordingly, the Writ Appeal is allowed modifying the order of the learned Single Judge dated 30.10.2007 made in W.P.(MD).No.484 of 2007 and directing the respondents to approve the appointment of the petitioner from the date of initial appointment. No order as to costs."



4. The learned counsel for the petitioner further submits that following aforesaid order, several orders have been passed by this Court. The learned counsel further submits that even though the petitioner is not required to qualify in the TET (Teacher Eligibility Test), the petitioner has obtained TET qualification during August 2013 and therefore the respondents have accorded an approval to the appointment of the petitioner from 19.08.2013.

5. Opposing the prayer in this writ petition, the learned Government Advocate for the first to fourth respondents submits that a writ petition is liable to be dismissed on account of latches on the purported cause of action arose as early as 07.01.2015.

6. Though the petitioner appears to have made out a case on merits, it is noticed that the petitioner has not enclosed copies of representation which appears to have been filed before the respondents to act on the aforesaid representation.

7. Considering the same, this Writ Petition is disposed at the time of admission by directing the petitioner to file a fresh representation within a period of thirty days from the date of receipt of a copy of this order. If such representation is filed by the petitioner, the respondents shall consider the same and pass appropriate orders in the light of the decision of this Court cited above. This exercise shall be carried out by the respondents within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Commissioner for School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.



2. The Chief Educational Officer,
The Office of the Chief Educational Officer,
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Kancheepuram District - 631 502.
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+2ccs to M/s.Father Xavier Associates, Advocate, S.R.No.57090

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NSK 03/12/2021