



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 7426 of 2019

S. Kalpana

... Petitioner

-vs-

1. The State of Tamilnadu,
Rep by it's Secretary,
Department of Higher Education,
St. George Fort,
Chennai - 09.

2. The Director,
Directorate of College Education,
EVK Sampath Palace,
College Road, Chennai - 06.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a ***Writ of Mandamus*** or any other orders or direction in the nature of Writ, directing the respondents to revise the petitioner's seniority in the cadre of Assistant at par with her Juniors by including her name in the panel of Assistant for the year 2001-2002 by considering her representations dated 15.06.2017, 17.10.2017 and 05.07.2018 within the time stipulated by this Court.

For Petitioner : Mr.T. Thirumurugan
For Respondents : Mr. A.K. Manickam
Counsel for State

O R D E R

The writ petition has been filed by the petitioner to consider the petitioner's representation, dated 05.07.2018 for including her name in the panel of Assistant for the year 2001-2002 on par with her Juniors, by revising her seniority in the cadre of Assistant.

2. According to the petitioner, she was selected by the Tamilnadu Public Service Commission as a Junior Assistant and joined duty on 01.12.1993 with M.V.M. Government Women College, Dindigul, and subsequently her service was regularised with effect from 02.12.1993, based on the order passed by the second respondent. According to the petitioner, due to non completion of training programme and delay in issuance of the Government order for rules relaxation, she was promoted as Assistant only on 28.09.2007 instead of 2001 panel.

3. According to the petitioner, in view of the order, dated 22.02.2016 passed in W.P.(MD) No.6354 of 2016, this Court directed



the first respondent to consider a similar person's representation and based on the aforesaid order, the first respondent has passed an order and revised the seniority list on par with her Juniors and provided all consequential benefits. The aforesaid order was applicable to this petitioner also. Though, the petitioner has submitted her representation on 05.07.2018 to revise her seniority in the cadre of Assistant, till date no order has been passed by the respondents. Hence, the petitioner has come out with the present Writ Petition.

4. Even though the petitioner has made a larger relief, in the hearing today, the learned counsel appearing for the petitioner restricted the prayer and submitted that it would suffice, if there is a direction to the respondents to dispose the representation of the petitioner dated 05.07.2018.

5. The learned Counsel for the State appearing for the respondents raised an objection that the petitioner has made a representation, after lapse of 18 years to revise her seniority in the cadre of Assistant and therefore, as on date, the panel list for the year 2001-2002 cannot be revised. However, the authorities concerned will consider the petitioner's representation and pass orders.

6. Taking note of the objections raised by the learned Counsel for the State and Considering the limited scope of prayer sought for in this Writ Petition, this Court without expressing any opinion on the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 05.07.2018, on its own merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order. It is open to the petitioner to satisfy the authorities concerned for the delay in submitting the said representation, dated 05.07.2018 to revise the seniority list.

7. With the above directions, this Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ksa

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary,
The State of Tamilnadu,
Department of Higher Education,
St. George Fort,
Chennai - 09.
2. The Director,
Directorate of College Education,
EVK Sampath Palace,
College Road, Chennai - 06.

+1 CC to M/s.SPL GP (SR-26904[F] dated 23/08/2021)

W.P.(MD) No.7426 of 2019
18.08.2021

SRK(CO)
KB(31.08.2021) 3P 4C