



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14449 of 2021

WEB COPY

J.Sebastial Rani

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli Educational District,
Tirunelveli,
Tirunelveli District.

2.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli,
Tirunelveli District.

3.The Correspondent,
St.Igneous Convent,
Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 03.05.2021, to issue salary for the period 20.09.2011 to 03.05.2013 and pass orders within the time fixed by this Court.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.S.Shanmugavel

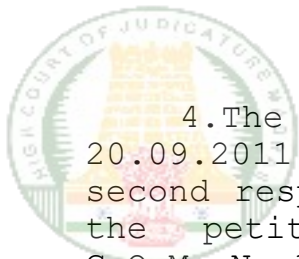
Standing Counsel for Government

ORDER

This petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 03.05.2021, to issue salary for the period from 20.09.2011 to 03.05.2013 and pass appropriate orders within the time fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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



4.The petitioner was appointed as B.T.Assistant(English) on 20.09.2011 in the third respondent school and subsequently, the second respondent passed order dated 14.09.2012 refusing to approve the petitioner's appointment as B.T.Assistant(English) since G.O.Ms.No.133(School Education (M2) Department dated 04.06.2012 which recognized a Degree in B.A. Functional English awarded by Avinashilingam Deemed University as equivalent to B.A.English. The petitioner was not granted approval for his appointment on the ground that the petitioner has obtained B.A.Degree in Functional English from Manonmanium Sundaranar University, the same cannot be treated as B.A.English. Challenging the above order, the petitioner filed WP(MD) No.122 of 2013 before this Court. Pending the said writ petition, the Government has issued GO.Ms.No.72 Higher Education (K2) Department dated 30.04.2013 recognizing B.A.Functional English Degree granted by all the Universities as equivalent to BA.English. Accordingly, WP(MD) No.122 of 2013 was allowed on 15.03.2017. Based on that the second respondent has approved the petitioner's appointment from the date of the aforesaid Government Order. Now, the petitioner made a representation dated 03.05.2021 to grant relief from the date of the petitioner's actual appointment. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5.Considering the submissions made by the learned counsel on either side and considering the limited prayer sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 03.05.2021 on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS I)

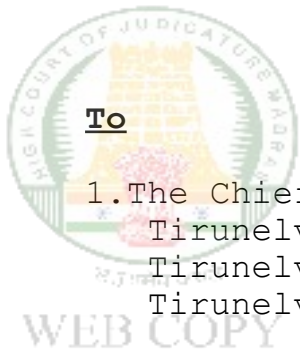
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Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Chief Educational Officer,
Tirunelveli Educational District,
Tirunelveli,
Tirunelveli District.

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Tirunelveli,
Tirunelveli District.

3.The Correspondent,
St.Igneous Convent,
Higher Secondary School,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-26441[F] dated 16/08/2021)

+1 CC to M/s.The Special Government Pleader (SR-26386[F] dated
16/08/2021)

W.P (MD) No.14449 of 2021

13.08.2021

RS (25.08.2021) 3P 6C