



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.27975 OF 2012

I.Devaki

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Departmental of Rural Development & Panchayat,
Secretariat, Chennai - 600 009.

2.The District Collector,
Collectorate,
Erode - 638 011,
Erode District.

3.The Commissioner,
Perundurai Panchayat Union,
Perundurai,
Erode District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to accommodate the petitioner in the post of Tailoring Teacher instead of an Office Assistant, in the existing vacancies, in compliance with the order dated 17.06.2002 made in O.A.No.642 of 2001 on the file of the Hon'ble Tamilnadu Administrative Tribunal which confirmed in the judgment dated 01.10.2007 made in W.P.No.19962 of 2003 on the file of the Hon'ble Division Bench.

For Petitioner : Mr.N.Manokaran

For R1 & R2 : Mr.Veda Bagath Singh,
Special Government Pleader

For R3 : Mr.N.Sakthivel

ORDER

The limited prayer sought for in the present writ petition is for a direction to the respondents to accommodate the



petitioner in the post of a Tailoring Teacher instead of an Office Assistant, in compliance with the order passed by the Tamilnadu Administrative Tribunal in O.A.No.642 of 2011, which was confirmed by the Hon'ble Division Bench of this Court in its judgement dated 01.10.2007 passed in W.P.No.19962 of 2003.

2. The learned counsel for the petitioner would submit that though the petitioner has now reached the age of superannuation, he would be entitled to be accommodated in the post of a Tailoring Teacher, instead of an Office Assistant and therefore claims for notional appointment to such post, together with monetary benefits.

3. This Court is of the view that such a claim requires to be considered by the concerned official respondent and this Court may not be justified in stepping into the shoes of the respondent to consider the same. Nevertheless, if the petitioner is granted liberty to give a fresh representation to the respondents herein seeking for compliance of the order dated 17.06.2002, with a consequential direction to the respondent to consider the same within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents, ventilating her grievances and on receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

hvk

To

1.The Secretary to Govt.,
Departmental of Rural Development & Panchayat,
Secretariat, Chennai - 600 009.



2.The District Collector,
Collectorate,
Erode - 638 011,
Erode District.

3.The Commissioner,
Perundurai Panchayat Union,
Perundurai,
Erode District.

+1cc to M/s.N.Manokaran, Advocate Sr.No.10426

+1cc to the Government Pleader Sr.No.10724

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PL(CO)
RVM(02/03/2022)