



WEB COPY



W.P.No.21234 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21234 of 2018

V.Shobanam

... Petitioner

-Vs-

1. The Director of School Education
DPI Compound, College Road
Chennai-600 006.

2. Joint Director of School Education
(Higher Secondary Grade) DPI Compound,
College Road, Chennai-600 006.

3. The Chief Educational Officer
Nagercoil, Kanyakumari District.

4. The District Educational Officer
Kuzhithurai, Kanyakumari District.

5. Government Higher Secondary School
Rep. by its Secretary Eluthesapattu,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to consider the petitioner representation dated 21.02.2018 and to promote the petitioner and to grant the petitioner



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retirement benefits may issue as equivalent to the Higher Secondary Grade Teachers who possessed equivalent qualification, appointed and retired as Higher Secondary Grade Teachers.

For Petitioner : Mr.K.Kunasekaran

For Respondents : Mrs.S.Mythreyee Chandru

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation, submitted by the writ petitioner on 21.02.2018 and promote the petitioner and grant her the retirement benefits.

2. The petitioner states that she was initially appointed as a Secondary Grade Teacher and was promoted to the post of P.G.Asssistant. The petitioner retired from service on 30.06.2003 and the present writ petition is filed after a lapse of 15 years, from the date of retirement of the writ petitioner. Even at the time of filing of the writ petition, the petitioner was aged about 73 years and now he would be around 77 years old.



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3. The learned Special Government Pleader appearing on behalf of the respondents made a submission that the petitioner was wrongly promoted when he was in service and subsequently was reverted on 02.01.1994. Her reversion order in the year 1994 was not challenged during the relevant point of time by the petitioner. Now after retirement, the petitioner submitted a representation and filed a writ petition to consider this representation and pass orders.

4. The government employees have to redress their grievances within a reasonable period of time, from the date of the cause of action. Once they have slept over their right, cannot wake up after several years and approach the Court of law one way or the other.

5. In the present case, the petitioner had not challenged the order of reversion issued in the year 1994. He attained the age of superannuation and retired from service in the year 2003. The present writ petition is filed after a lapse of 15 years from the date of retirement, for a direction to consider his representation. Even in case, such a direction is issued to consider the representation, the same would do no



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service to the cause of justice as the petitioner will be back again to this

Court by way of another litigation if an order is passed on merits, based on the direction to consider the representation. This exactly is the reason why, the High Court is expected to decide the issues on merits instead of issuing a direction to consider the representation in a routine manner.

6. In view of the fact that there was an enormous delay in filing of the writ petition after the cause of action as the reversion occurred in the year 1994. The petitioner retired from service in the year 2003 and the writ petition was filed in the year 2018. Accordingly, the petitioner is not entitled for the relief and accordingly, the writ petition stands **dismissed**. There shall be no order as to costs.

18.11.2022

Index : Yes

Speaking order

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S.M.SUBRAMANIAM.J.,

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