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W.P.No.28552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28552 of 2022

J.Kulandai Rosari Jegan

... Petitioner

Versus

1. State of Tamil Nadu, rep by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education,
Nungambakkam, Chennai-600 006.
3. The Chief Educational Officer,
O/o The Chief Educational Office,
Collectorate Campus,
Karur, Karur District.
4. The District Educational Officer,
O/o the District Educational Office,
Karur, Karur District

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the second respondent to dispose the representation made by the petitioner dated 22.01.2021 in the light of the order in WP(MD)No.5871 of 2019.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.S.Yashwanth
AGP



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ORDER

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This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to pass final orders on the petitioner's representation dated 22.01.2021 seeking for treating his seniority on par with his juniors with effect from 03.01.2002 within a time frame to be fixed by this Court.

2. The petitioner claims that even though his juniors were also enrolled in the Employment Exchange in the year 2002, his juniors got employment in public service ahead of the petitioner on the ground that there was some discrepancy with regard to the petitioner's residence while registering his name in the employment exchange.

3. The petitioner had earlier approached this Court by filing a writ petition in WP No.13196 of 2007, wherein, by order dated 22.7.2011, a direction was issued to the respondents to consider the petitioner's case for taking his seniority on par with his juniors with effect from 03.01.2002. According to the petitioner, despite the direction given by this Court in the earlier writ petition, till date, the petitioner's seniority has not been fixed on par with his juniors. According to the petitioner, similarly placed persons have approached this Court in W.P.(MD)Nos.5870 to 5872 of 2019 and an order came to be passed by this



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petitioners seeking for fixing their seniority on par with those juniors who were appointed in the year 2002. According to the petitioner, pursuant to the said direction, the respondents have fixed the seniority for those petitioners on 24.03.2020. The petitioner seeks for similar relief. The petitioner has given a representation on 22.01.2021 for the aforementioned purpose. The petitioner also relies upon the order dated 13.03.2019 in WP(MD)Nos.5870 to 5872 of 2019. It is for the respondents to consider the same on merits and decide as to whether the same is applicable to the petitioner or not.

4. No prejudice would be caused to the respondents if the petitioner's representation dated 22.01.2021 referred to supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 22.01.2021, seeking for fixing his seniority on par with his juniors who were appointed in the year 2002, pursuant to the registration with the employment exchange within a period of twelve weeks from the date of



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ABDUL QUDDHOSE,J.

Sr

receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

28.10.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Secretary,
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