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W.P. No.34078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34078 of 2022

Emy Getzi Jovidaraj

... Petitioner

VS.

1.The Director of Collegiate Education,
Directorate of College Education,
Chennai – 600 006.

2.Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

3.The Secretary,
Sarah Tucker College,
Palayamkottai, Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to upgrade the petitioners scale of pay from Physical Instructor to that of Physical Director as per G.O. Ms. No.524 dated 18.03.1983 and further to approve the promotion of the petitioner from 03.10.2005 with salary and other attendant benefits.

For petitioner : Ms.P.Mahalakshmi

For respondents : Mrs.P.Vijaya Devi,
Government Advocate
for R1 and R2



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ORDER

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2.This writ petition has been filed for a Mandamus seeking for a direction to the respondents to upgrade the petitioner's scale of pay from Physical Instructor to that of Physical Director as per G.O. Ms. No.524 dated 18.03.1983 and to approve the promotion of the petitioner from 03.10.2005 with salary and other attendant benefits.

3.Heard Ms.P.Mahalakshmi, learned counsel for the petitioner and Mrs.P.Vijaya Devi, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2.

4.Learned counsel for the petitioner would submit that the petitioner will be satisfied, if her representation seeking for the aforementioned relief is considered, on merits and in accordance with law, within a time frame to be fixed by this Court.



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5.No prejudice would be caused to the respondents if such a direction is issued by this Court.

6.This Court is not expressing any opinion on the merits of the petitioner's claim.

7.At this stage, a positive direction sought for by the petitioner cannot be granted. Since the representation given by the petitioner is an old one, the petitioner will have to give a fresh representation.

8.For the foregoing reasons, this Court directs the petitioner to submit a fresh representation seeking for upgrading her scale of pay from Physical Instructor to that of Physical Director as per G.O. Ms. No.524, Department of Education, Science and Technology (G2) dated 18.03.1983, which the petitioner relies upon for approving her promotion from 03.10.2005 with salary and other attendant benefits, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the respondents 1 and 2 shall pass final orders, on merits and in accordance with law on the petitioner's



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ABDUL QUDDHOSE, J.

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representation, within a period of twelve weeks from the date of receipt of
the copy of the said representation.

9. With the aforesaid direction, the writ petition stands disposed of.

No costs.

20.12.2022

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To

1. The Director of Collegiate Education,
Directorate of College Education,
Chennai – 600 006.
2. Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
3. The Secretary,
Sarah Tucker College,
Palayamkottai, Tirunelveli.

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