



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2867 of 2023

P.Nithya Devi

Petitioner

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to the Government,
School Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner of School Education,
College Road, Chennai – 6.
- 3.The Joint Director of School Education,
College Road, Chennai – 6.
- 4.The Member Secretary,
Teachers Recruitment Board,
Chennai – 6.
- 5.The Chief Educational Officer,
Tiruppur and District.
- 6.The District Educational Officer,
Tiruppur and District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to restore the petitioner's Rank No.479 for the post of B.T. Assistant (Graduate Assistant) in relation to the Recruitment Year 2010-2011, as per the proceedings of the 3rd



respondent, issued in Na.Ka. No.091/C3/ E2/2012 dated 09.12.2012, and count the petitioner's service from 17.12.2012, when the petitioner was originally appointed as B.T. Assistant for the purpose of Seniority, Promotion and for Pay fixation and to pay arrears of salary for a period from 17.12.2012 to 22.01.2013 which the petitioner has worked as B.T. Assistant (Maths).

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader
for R1 to R3

Mr.R.Siddharth
Government Advocate for R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to restore the rank of the petitioner at Rank No.479 for the post of B.T. Assistant (Graduate Assistant) as per the proceedings of the 3rd respondent dated 09.12.2012 and consequently to count the petitioner's service from 17.12.2012 for the purpose of seniority, promotion, pay fixation and for payment of arrears of salary.

2.The case of the petitioner is that she was appointed as a B.T. Assistant in Mathematics by the proceedings of the Director of School Education, dated



assigned Rank No.479. The petitioner also joined as a B.T. Assistant Mathematics at Government Higher Secondary School, Padiyur.

3.The appointment given to the petitioner was canceled by the Joint Director through proceedings dated 11.01.2013 and aggrieved by the same, the petitioner filed W.P.No.1962 of 2018 before this Court. The writ petition was allowed by an order dated 01.02.2013 and the cancellation of appointment dated 11.01.2013 was set aside and the respondents were directed to give appropriate posting order to the petitioner.

4.The grievance of the petitioner is that the Joint Director of School Education, while passing the order in compliance with the directions issued in the writ petition, appointed the petitioner as a B.T. Assistant w.e.f. 10.12.2013. According to the petitioner, the appointment of the petitioner should have been restored to the original position, where she was assigned Rank No.479 when she was appointed in the year 2012.

5.To correct the above anomaly, the petitioner had made representations to the respondents and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.



WEB COPY

6. Heard Mr.R.Saseetharan, learned counsel appearing on behalf of the petitioner, Mr.Stalin Abhimanyu, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and Mr.R.Siddharth, learned Government Advocate appearing on behalf of the 4th respondent.

7. In the considered view of this Court, on going through the materials available on record, it is seen that the petitioner was assigned Rank No.479 when she was appointed as a B.T. Assistant in the year 2012. The cancellation of her appointment, which was interfered by this Court, restored the petitioner to the original position and the compliance of the order passed in writ petition cannot result in a fresh appointment issued to the petitioner and it has to necessarily relate back to the date on which the petitioner was appointed. The petitioner has made representations in this regard and since the same was not considered, the present writ petition has been filed before this Court.

8. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 23.01.2020 and deal with the same on its own merits and in



accordance with law and in terms of the observation made by this Court in this writ petition. A final decision shall be taken and it shall be informed to the petitioner, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the 3rd respondent.

9. In the result, this writ petition is disposed of with the above direction.

No Costs.

06.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1. The Secretary to the Government,
Government of Tamil Nadu
School Education Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of School Education,
College Road, Chennai – 6.
3. The Joint Director of School Education,
College Road, Chennai – 6.



WEB COPY



N. ANAND VENKATESH, J.

SSI

4. The Member Secretary,
Teachers Recruitment Board,
Chennai – 6.
5. The Chief Educational Officer,
Tiruppur and District.
6. The District Educational Officer,
Tiruppur and District.

W.P No.2867 of 2023

06.02.2023