



WEB COPY



W.P.No.19702 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.19702 of 2020

S.Jebaselvi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department, Chennai – 9.
- 2.The Director of School Education,
D.P.I. Building, College Road,
Chennai – 6.
- 3.The Chief Educational Officer,
Vellore.
- 4.The District Educational Officer,
Vellore.
- 5.The Correspondent,
Honnagar Ashram Girls High School,
Vellore.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the fourth respondent to approve the appointment of the petitioner as B.T.Assistant (History) in the fifth



W.P.No.19702 of 2020

respondent school w.e.f 12.09.2008 with all consequential monetary benefits in the light of the order passed in W.A.(MD) No.1350 of 2017 dated 14.11.2017 by considering the proposal of the fifth respondent school dated 04.01.2011 and representation of the petitioner dated 22.07.2020.

For Petitioner : Mr.S.N.Ravichandran

For Respondents 1 to 4 : Mr.K.Tamilvendan,
Government Advocate

For Respondent 5 : Mr.S.Prabakaran,
for M/s.Paul & Paul

ORDER

This writ petition has been filed by the petitioner seeking direction to the fourth respondent to approve the appointment of the petitioner as B.T.Assistant (History) in the fifth respondent school w.e.f 12.09.2008 with all consequential monetary benefits in the light of the order passed in W.A.(MD) No.1350 of 2017 dated 14.11.2017 by considering the proposal of the fifth respondent school dated 04.01.2011 and representation of the petitioner dated 22.07.2020.



2. The case of the petitioner is that the fifth respondent/school is an aided religious Minority Institution controlled Church of South India, Dioceses of Vellore. This being so, vacancy arose for the post of Secondary Grade Teacher on 11.09.2008 due to the promotion of one Tmt.Elizepath, Secondary Grade Teacher as B.T.Assistant (Tamil). Being a widow and considering the qualification of M.A., B.Ed (History) and 19 years teaching experience in the CSI Matriculation School, Sipcot, the fifth respondent school appointed the petitioner as B.T.Assistant (History) by an order dated 12.09.2008 and she has also joined the fifth respondent/school on the same day and her appointment order was also communication to the fourth respondent on 12.09.2008.

2.2. On 12.10.2009, the fourth respondent visited the fifth respondent/school and recommended for conversion of the post of Secondary Grade. Pursuant to the same, the fifth respondent/school made a proposal dated 06.02.2010, requesting for conversion of post of B.T.English as B.T.History. Thereafter, the third respondent by proceeding dated 03.07.2010 granted permission for conversion of post of Secondary Grade as



W.P.No.19702 of 2020

B.T.Assistant (History) as per G.O.Ms.No.144 dated 04.07.2008. Therefore, the fifth respondent/school issued re-appointment order dated 03.07.2010 to the petitioner and the same was approved by the fourth respondent by proceeding dated 03.08.2010 with effect from 03.07.2010 instead of 12.09.2008. Hence, the petitioner made a representation dated 04.01.2011 before the second respondent, requesting to approve her appointment as B.T.Assistant (History) with effect from 12.09.2008 instead of 03.07.2010. The fifth respondent/school has also made a representation before the second respondent, requesting the same claim. Since, there was no response from the respondents, the petitioner has made another representation dated 22.07.2020.

2.3. This being so, this Court by an order in W.P.(MD).No.1853 of 2016 dated 22.06.2017, in the case of ***J.Remila Vs. The Government of Tamil Nadu***, has held that once order for conversion of post is granted, it relates back to date of appointment and as such this Court directed the Educational Authorities to approve the appointment of the teacher from the date of her initial appointment. As against the order passed in the writ



W.P.No.19702 of 2020

petition, the Government filed W.A.(MD).No.1350 of 2017 and the same was also dismissed by the Hon'ble Division Bench on 14.11.2017. Hence, the petitioner made a representation dated 22.07.2020 seeking direction to the fourth respondent to approve her appointment with effect from 12.09.2008 with all consequential, monetary benefits, in the light of the order passed in W.A.(MD) No.1350 of 2017 dated 14.11.2017.

3. Though very many grounds have been raised in this writ petition, it would suffice, if this Court issues direction to the fourth respondent to consider the petitioner's representation dated 22.07.2020 and pass appropriate orders on merits within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents 1 to 4 submitted that subsequent to the representation dated 22.07.2020 made by the petitioner, the Government has issued a G.O.(Ms) No.151, School Education SE1(1) Department dated 09.09.2022 and as per the said G.O., the competent authority to decide on the petitioner's representation is the third respondent/The Chief Educational Officer, Vellore and not the fourth



W.P.No.19702 of 2020

respondent/The District Educational Officer, Vellore.

WEB COPY

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the fourth respondent to forward the said representation dated 22.07.2020 to the third respondent and on such receipt, the third respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition stands disposed of with the aforesaid observation and direction. No costs.

09.08.2023 (vm)

Index : Yes/No
Speaking Order : Yes/No



WEB COPY



W.P.No.19702 of 2020

To:

- 1.The Secretary to Government,
Education Department, Chennai – 9.
- 2.The Director of School Education,
D.P.I. Building, College Road,
Chennai – 6.
- 3.The Chief Educational Officer,
Vellore.
- 4.The District Educational Officer,
Vellore.
- 5.The Correspondent,

Page No.7 of 9



W.P.No.19702 of 2020

Honnagar Ashram Girls High School,
Vellore.

WEB COPY

J.SATHYA NARAYANA PRASAD,J.

vm



WEB COPY



W.P.No.19702 of 2020

W.P.No.19702 of 2020

09.08.2023