



WEB COPY



W.P.No.23760 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.23760 of 2014

and M.P.No.1 of 2014

S. Anandhi

...Petitioner

vs.

1. The Directorate of School Education,
College Road, Chennai – 600 006.

2. The Joint Director of School Education (Personnel)
College Road, Chennai – 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings No.83218/A4/E3/2012 dated 26.10.2012 and the consequential order issued by the second respondent in proceedings No.Aa.No.68571/A4/E3/2013 dated 14.08.2013 and quash the same and consequently direct the respondents to place the petitioner in the panel of the year 2004 on the basis of qualification in the departmental test held on 16.08.2004 as the eligibility criteria as per the fundamental rules and to extent all benefits with all other consequential benefits.



WEB COPY



W.P.No.23760 of 2014

For Petitioner : Mr.R.S. Anandan
For Respondents : Mr.T.M.Rajangam
Government Advocate (Education)

ORDER

The petitioner herein has filed this writ to order to call for records relating to the impugned order of the second respondent in proceedings No.Aa.No.68571/A4/E3/2013 dated 14.08.2013 and quash the same, and consequently direct the respondents to place the petitioner in the panel of the year 2004 on the basis of qualification in the Departmental Test held on 16.08.2004 as the eligibility criteria as per the Fundamental Rules and to extent all the benefits with all other consequential benefits.

2. Mr.R.S.Anandan, learned counsel for the petitioner submits that the petitioner was initially appointed on compassionate ground as Junior Assistant in Vasudevanallore Government Higher Secondary School in the Education Department, Thenkasi in Thirunelveli District on 09.12.1986. Her service was regularized, and her probation was declared by G.O.Ms.No.1D No.1 School Education (R2 Department) dated 03.01.2012. The learned counsel would further submit that while the petitioner was working as Junior Assistant, she completed her Tamil Nadu Government



W.P.No.23760 of 2014

Manual Test and it was published in the Gazette on 16.10.2001 and also completed Deputy Inspectors Test - I paper, Deputy Inspector Test -II Paper, Deputy Inspectors Test Educational Statistics and the Accounts Test for Subordinate Officers Part – I. She was promoted to Assistant Cadre by the proceedings of the 2nd respondent in Na.Ka.No.19186/A4/E3/2011 dated 30.03.2012. By the proceedings of the 2nd respondent in Mu.Mu.83218/A4 Section/E3/2012 dated 26.10.2012 for appointment as Assistant was regularized with effect from 12.01.2006. He would further contend that the petitioner having completed the requisite Departmental Tests as early as in the year 2004, her seniority should be fixed based on her initial appointment as well as the qualification through the department in the year 2004 itself.

3. She had given representation, enclosing copies of the result by which she was fully eligible for inclusion at an appropriate place in the panel of eligible persons as on the year 2004 and instead without any reference to her qualification, an order was passed by the 2nd respondent through his proceedings No.68571/A4/E3/2013 dated 14.08.2013 by stating that the regularization in the post of Assistant was made as per the proceedings No.83218/A4/E3/2012 dated 26.10.2012 from 12.01.2006 is



W.P.No.23760 of 2014

in order. Hence this writ petition.

WEB COPY

4. Mr.T.M.Rajangam, learned Government Advocate (Education) would submit that based on the date of examination and the seniority, she was placed in the appropriate place and sought for dismissal.

5. The petitioner also gave a representation dated 05.02.2014 requesting her name to be placed in an appropriate place in the panel of Assistant for the year 2004 and to award the promotion to the post of Assistant retrospectively.

6. Based on the aforesaid discussions, this writ petition is allowed with a direction that the respondents shall consider the representation given by the petitioner dated 05.02.2014 and pass an order on merits, preferably within a period of eight [8] weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions, if any are also closed.

22.04.2024

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



WEB COPY



W.P.No.23760 of 2014

To

1. The Directorate of School Education,
College Road, Chennai – 600 006.
2. The Joint Director of School Education (Personnel)
College Road, Chennai – 600 006



WEB COPY



W.P.No.23760 of 2014

R.KALAIMATHI, J.

mac

W.P.No.23760 of 2014
and M.P.No.1 of 2014

22.04.2024