



Writ Petition No.26353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26353 of 2024

and

W.M.P.No.28802 of 2024

K.Alamelu

D/o.T.Kannudurai

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
represented by its
Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 3.The District Educational Officer,
(Elementary Education),
Vriddhachalam, Cuddalore District.
- 4.The Block Educational Officer,
Kammapuram - 606 103, Cuddalore District.
- 5.The Secretary,
Aided Elementary School,
U.Kombadi-Kuppam,
Kammapuram, Vriddhachalam Taluk,
Cuddalore District - 607 804.

... Respondents



Writ Petition No.26353 of 2024

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of the third respondent made in his proceedings in Na.Ka.No.0170/Aa4/2023, dated 05.03.2024 and quash the same and direct the respondents 1 to 4 to approve the appointment of the petitioner in the fifth respondent school from the date of her appointment i.e. 14.07.2014 and consequently, direct the respondents to pay the salary to the petitioner with arrears of salary.

For Petitioner : Mr.A.S.Kaizer

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader [R1 to R4]

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 05.03.2024 and for a consequential direction to respondents to approve the appointment of the petitioner in the fifth respondent school from the date of her appointment on 14.07.2014 and to extend the service and monetary benefits.

2. Heard Mr.A.S.Kaizer, learned counsel for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader appearing for respondents 1 to 4.



3. The petitioner had earlier approached this Court and filed W.P.No.4909 of 2020. This writ petition was filed challenging the proceedings of the third respondent dated 22.01.2019 and for a direction to respondents to approve her appointment in the fifth respondent school.

4. This Court, after considering the claim made by the petitioner and the stand taken by the Government, passed the following order:

"5. Since the petitioner did not pass the qualified examination in the next examination conducted by the Teacher Recruitment Board but got qualified in the subsequent examination, it is up to the Government to consider the representation of the petitioner and workout any possibilities of considering the petitioner's case as a special case by giving any special exemption. However the petitioner is not precluded from applying for the said post since now she has the qualification of passing the Teacher Eligibility Test. The fifth respondent is at liberty to challenge the order in Na.Ka.No.170/ 24/2023 dated .04.2023, if it so prefers."

5. The grievance of the petitioner is that this Court had specifically directed the petitioner to submit a representation to the Government in order to work out his remedy and whereas, the third respondent, in a hasty manner, even before the copy of the order was made ready, had passed the impugned order dated 05.03.2024. This order has been put to challenge in the present writ petition.



Writ Petition No.26353 of 2024

6. In the considered view of this Court, during the earlier round of writ petition, this Court has found that the approval for the appointment of the petitioner can be considered only by the Government as a special case. Therefore, there was no requirement for the third respondent to even consider the grievance expressed by the petitioner and pass an order dated 05.03.2024. Pursuant to the order passed by this Court in W.P.No.4909 of 2020, dated 19.12.2023, the petitioner is yet to submit his representation to the Government. In the mean time, this order came to be passed.

7. The order passed by the third respondent will not have any bearing on the earlier order passed by this Court and it is always left open to the petitioner to make a fresh representation to the Government in line with the directions issued in the earlier order. The petitioner is directed to submit a representation to the Government within a period of two (2) weeks from the date of receipt of a copy of this order. The first respondent shall deal with the representation on its own merits and in accordance with law and take a decision within a period of six (6) weeks thereafter. This clarity will sufficiently take care of the grievance of the petitioner.



Writ Petition No.26353 of 2024

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This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

11.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Educational Officer,
(Elementary Education),
Vriddhachalam, Cuddalore District.

4.The Block Educational Officer,
Kammapuram - 606 103, Cuddalore District.

N.ANAND VENKATESH, J

gm



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Writ Petition No.26353 of 2024

Writ Petition No.26353 of 2024

11.09.2024