



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32330 of 2024

S.Priyanka

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Director of School Education, (Higher Secondary)
DPI Campus, College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents herein to include the name of the petitioner in the panel as on 1.1.2021 for appointment by recruit by transfer within the 2% reservation from amongst the Ministerial staff to the Post of PG Assistant (Tamil) and accordingly appoint the Petitioner to the Post of PG Assistant (Tamil) on the date when the Juniors to the Petitioner have been appointed with all service and monetary benefits.



For Petitioners : Mrs.Dhakshayini Reddy
Senior Counsel for
Ms.S.Suneetha

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondent to include the name of the petitioner in the panel as on 01.01.2021 for appointment by recruitment by transfer within the 2% reservation from amongst the Ministerial staff to the post of PG Assistant (Tamil) and appoint the petitioner on the date on which the juniors of the petitioner have been appointed with all service and monetary benefits.

2.Heard Mrs.Dhakshayini Reddy, learned Senior Counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that the petitioner was originally appointed as a Junior Assistant through the Tamil Nadu Public Service Commission and she



joined w.e.f. 03.07.2012. The further case of the petitioner is that she thereafter obtained various qualifications after getting prior permission. The Government took a policy decision and issued G.O.Ms.No.21, dated 02.11.2011 setting apart 2% of the vacancies in the post of P.G. Assistant from the eligible candidates amongst Ministerial staff. This was implemented till the year 2014. Thereafter, it was never implemented. In the year 2020, G.O.Ms.No.14, dated 13.01.2020 was issued and the service Rules was amended by making provision for appointment by transfer from amongst Ministerial staff to the post of P.G. Assistant provided that the candidate is fully qualified.

4.The grievance of the petitioner is that her juniors were considered and were appointed as P.G. Assistants and whereas, the name of the petitioner was not included on the wrong premise that the eligibility is as of 01.01.2018.

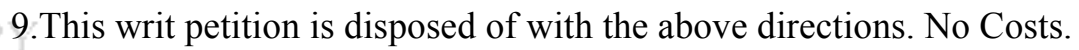
5.The petitioner approached this Court and filed a writ petition to strictly follow the 2% reservation from the year 2011. This writ petition was subsequently disposed of.



6.The petitioner made a representation in this regard seeking for including the name of the petitioner in the panel as on 01.01.2021 for appointment by recruitment by transfer within 2% reservation to the post of P.G. Assistant (Tamil) on par with the promotion that was given to her juniors. Since the same was not considered, the present writ petition has been filed before this Court.

7.Taking into consideration the facts and circumstances of the case and also the nature of grievance that has been expressed by the petitioner and also of the fact that the petitioner's services has been regularized prior to 01.01.2021 and her probation has already been declared as early as on 08.09.2017 and the petitioner possess all the necessary qualification, the grievance expressed by the petitioner shall be considered by the 2nd respondent and a decision shall be taken, within a period of six weeks from the date of receipt of copy of this order.

8.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 and the same shall be dealt with in line with the observations made in this writ petition.



Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The Director of School Education, (Higher Secondary)
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.



WEB COPY



N. ANAND VENKATESH, J.

SSI

W.P.No.32330 of 2024

29.10.2024