



WEB COPY



W.P. No.36011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.36011 of 2023

T. Jothimalar

Petitioner

v

- 1 The Principal District Judge
Cuddalore District
Cuddalore
- 2 The Secretary to Government
Home (Courts-V) Department
Fort St. George
Chennai 600 009
- 3 The Registrar General
High Court of Madras
Chennai 600 104

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent, viz., the Principal District Judge, Cuddalore District, to consider and pass orders on the petitioner's representation dated 21.01.2022 within a stipulated time.

For petitioner Mr. A.G. Rajan

For RR 1 & 3 Mr. V. Vijay Shankar

For R2 Mr. P. Anandakumar



W.P. No.36011 of 2023

WEB COPY

ORDER

(made by S. VAIDYANATHAN, J.)

The petitioner initially joined as Junior Assistant on compassionate ground on 01.03.2007. However, she was ousted from service by the first respondent effective 08.01.2015 on the ground that her appointment was irregular. The said order was tested by her in W.P. No.1207 of 2020 and a Coordinate Bench of this Court allowed the said writ petition *vide* order dated 18.01.2017, in pursuance whereof, she was re-appointed on 05.04.2017 as Junior Assistant in the District Munsif-cum-Judicial Magistrate Court, Portnovo, and her service was regularised effective 01.03.2007, *i.e.*, the date of her initial appointment, and she was sent to Bhavani Sagar training from 23.07.2021 to 11.09.2021. Thus, her probation was declared on 11.09.2021 and she was declared as an approved probationer on 12.09.2021 pursuant to her completion of Bhavani Sagar training.

2 But, according to the petitioner, her probation ought to have been declared on 01.03.2009, *i.e.*, on she completing two years of service, and she ought to have been declared as approved probationer on 02.03.2009 and not from 11.09.2021 and 12.09.2021 respectively, which delay of two years is on the part of the Government.



W.P. No.36011 of 2023

WEB COPY

3 Hence, the petitioner addressed a representation to the first respondent on 21.01.2022 seeking declaration of probation effective 01.03.2009 and re-fixation of seniority effective 01.03.2007 and since the said representation has not been considered for nearly two years, this writ petition has been filed seeking a mandamus to the first respondent to consider and pass orders on the same within a stipulated time.

4 Heard both sides.

Considering the limited scope of the relief sought by the petitioner, this writ petition is disposed of with a direction to the first respondent to consider and pass orders on the petitioner's representation dated 21.01.2022, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, of course, after affording an opportunity of hearing to her. Costs made easy.

(S.V.N., J.) (K.R.S., J.)
03.01.2024

cad



WEB COPY



W.P. No.36011 of 2023

S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

cad

To

- 1 The Principal District Judge
Cuddalore District
Cuddalore
- 2 The Secretary to Government
Home (Courts-V) Department
Fort St. George
Chennai 600 009
- 3 The Registrar General
High Court of Madras
Chennai 600 104

W.P. No.36011 of 2023

03.01.2024