



W.P.(MD).No.30953 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30953 of 2023

A.N.Jeyanthi Buvaneswari

... Petitioner

Vs

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
DPI Campus, Chennai.
3. The Chief Educational Officer,
Tenkasi District.Tenkasi.
4. The District Educational Officer,
Tenkasi District.Tenkasi..
5. The Hindu Nadar Uravinmurai Committee Higher Secondary School,
Rep. by its Secretrary,
Ariyanayagipuram,
Veerasigamani Via., Sankarankoil Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 01.12.2023 and pass appropriate



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orders to regularize the petitioner's service as a B.T.Assistant in the Hindu Nadar Uravinmurai Committee Higher Secondary School, Ariyanayagipuram by taking into consideration of the service rendered for the period from 05.10.1993 to 22.12.2011 with all monetary benefits, within the time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.P.T.Thiraviyam (R1 to R4)
Government Advocate

Mr.G.Mohankumar (R5)

ORDER

The present writ petition has been filed seeking a direction to the respondents to consider the petitioner's representation, dated 01.12.2023 and pass appropriate orders to regularize the petitioner's service as a B.T.Assistant in the Hindu Nadar Uravinmurai Committee Higher Secondary School, Ariyanayagipuram by taking into consideration of the service rendered for the period from 05.10.1993 to 22.12.2011 with all monetary benefits, within the time stipulated by this Court.

2.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the



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learned counsel appearing for the fifth respondent. Perused the materials on record.

3.(i).Through employment exchange, the petitioner was appointed as B.T Assistant in the 5th respondent school in the leave vacancy in the year 1990. Thereafter, she continued her service in the said school.

(ii).In the meanwhile, a post of B.T Assistant (History) became vacant due to exit of one Madasami on 04.10.1993, since he got a job in a Government School. Since the petitioner was qualified for the said post, she made a representation to the Headmaster of the 5th respondent School to consider her claim for regular appointment in the sanctioned post of B.T Assistant (History), which fell vacant. The petitioner also made a representation to the Chief Minister's Special Cell and the same was forwarded to the second respondent, following which, the second respondent vide communication, dated 28.07.2000 expressed his inability stating that the Secretary of the School Committee alone is the competent person to fill up the post. Hence, the petitioner made a representation before the 5th respondent School and requested to regularize her service as B.T. Assistant from 05.10.2003 to 22.12.2011.



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(iii).After keeping the same pending for so many years, finally in response to the petitioner's another representation, the 5th respondent school considered the same and had forwarded the proposal regularising the service of petitioner from 05.10.1993 to 22.12.2011 to the second respondent and the same was rejected on 15.09.2006. Challenging the same, the petitioner filed W.P(MD) No.11012 of 2006 and this Court vide order, dated 08.02.2012 dismissed the said writ petition, giving liberty to the petitioner to make a representation to the respondents in respect of the claim for counting the service rendered in the private school.

(iv).In view of the same, the petitioner made a presentation on 11.02.2023 to the 5th respondent for considering her service as B.T.Assistant during the period from 05.10.1993 to 22.12.2011 and regularize the same. The said representation was considered by the 5th respondent school and it has been forwarded to the third respondent. However, the third respondent has not acted upon the said proposal. Hence, this writ petition came to be filed.

4.The learned Government Advocate appearing for the third respondent would submit that the representation of the petitioner will be considered in accordance with law.



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5. In view of the above, without going to the merits of the case, this Court hereby direct the third respondent to consider the representation of the petitioner, dated 11.02.2023, which has been forwarded through proper channel and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Secretary to Government of Tamil Nadu,
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2. The Director of School Education,
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3. The Chief Educational Officer,
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L.VICTORIA GOWRI, J.

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