



W.P.(MD)No.11074 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.11074 of 2020

and

W.M.P.(MD)No.9709 of 2020

T.Nirmala,
W/o.Christu Kumar,
Kirivilai Mathur,
Chenkodi Post,
Kanyakumari District.

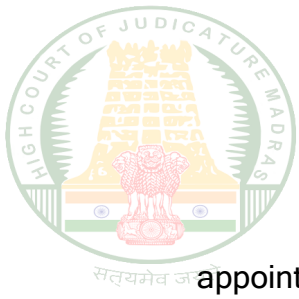
Petitioner

Vs

- 1.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.
- 4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District - 629 175.
- 5.The Correspondent,
Pius XI Higher Secondary School,
Thoothoor - 629 176,
Kanyakumari District.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to approve the



W.P.(MD)No.11074 of 2020

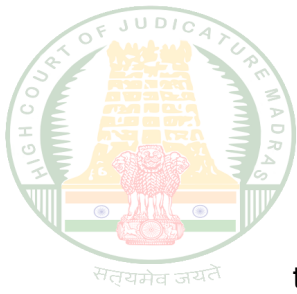
appointment of the Petitioner as Music Teacher by converting the post of Craft Teacher into Music Teacher from the date of her appointment that is from 02.07.1991 by considering the proposal submitted by the 5th Respondent dated 17.09.2011 and 08.10.2014 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.F.Deepak
Special Government Pleader
and
Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to approve the appointment of the Petitioner as Music Teacher by converting the post of Craft Teacher into Music Teacher from the date of her appointment that is from 02.07.1991 by considering the proposal submitted by the 5th Respondent dated 17.09.2011 and 08.10.2014.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) On 19.09.2011, the 5th Respondent submitted a proposal to the 4th Respondent, seeking to convert the post of Craft Teacher to Music Teacher and to approve the Petitioner's appointment as Music Teacher with effect from her initial appointment date, i.e., 02.07.1991. However,



W.P.(MD)No.11074 of 2020

WEB COPY

the proposal remained pending for a long period. Subsequently, the 5th Respondent sent a reminder on 08.10.2014, enclosing the staff fixation details, to the 4th Respondent, who then forwarded the proposal to the 2nd Respondent.

(b) The Petitioner, who has served for over 29 years, approached the 4th Respondent to approve her appointment and disburse her salary. Despite similar situations where the 4th Respondent had converted posts and approved appointments based on this Court's orders, the Petitioner's request remained unaddressed. Although the Petitioner was appointed to a sanctioned post on 02.07.1991, the 4th Respondent failed to take effective steps to convert the post of Craft Teacher to Music Teacher and approve the Petitioner's appointment in the post of Music Teacher. Consequently, the Petitioner worked at the 5th Respondent's school without receiving a salary, and her appointment remained unapproved by the Respondents. Therefore, the Petitioner was left with no alternative but to approach this Court by filing the present Writ Petition, seeking the aforementioned relief.

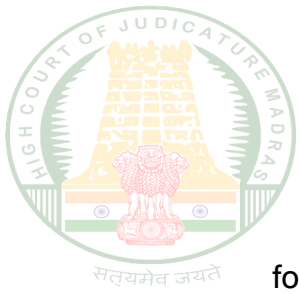
3. Heard Mr.S.C.Herold Singh, learned counsel for the Petitioner and Mr.F.Deepak, learned Special Government Pleader and Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents.



W.P.(MD)No.11074 of 2020

WEB COPY

4. Mr.F.Deepak, the learned Special Government Pleader for the Respondents, submits that the Respondents are willing to consider the relief sought by the Petitioner if she makes a fresh representation before them, outlining her grievances. The Respondents would then consider and decide on the matter in accordance with the law within the time frame fixed by this Court.
5. Mr.S.C.Herold Singh, the learned counsel for the Petitioner, agreed to the submissions made by the learned Special Government Pleader for the Respondents and submits that the Petitioner is willing to file a fresh representation before the 3rd Respondent, which may be directed to be disposed of within a specified time frame.
6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 3rd Respondent may be directed to decide the case of the Petitioner in accordance with law.
7. Accordingly, the petitioner is directed to file a fresh representation before the 3rd Respondent detailing her claim and grievances within a period of



W.P.(MD)No.11074 of 2020

WEB COPY

four weeks from today. If any such representation is filed by the Petitioner before the 3rd Respondent as per the time stipulated by this Court, the 3rd Respondent is directed to consider the same along with the proposal sent by the 5th Respondent and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation. The 3rd Respondent shall communicate the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

8. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

04.03.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr



W.P.(MD)No.11074 of 2020

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To:

- 1.The District Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The Headmaster,
Government High School,
Maathavalayam,
Kanyakumari District.



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W.P.(MD)No.11074 of 2020

SHAMIM AHMED, J.

Nsr

W.P.(MD)No.11074 of 2020

04.03.2025