

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.1.2015.

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.5255 of 2007
(O.A.No.6500 of 2002)

M.Rajendran

Petitioner

vs.

1. The Director of School Education,
Chennai 600 006.

2. The District Educational Officer,
Thanjavur District, Thanjavur.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to consider the representation of the petitioner dated 14.9.2001 for promotion to the post of Assistant from the date on which his next junior was promoted as Assistant.

For Petitioner : Mr.R.Rangaramanujam

For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

The application in O.A.No.6500 of 2002 filed by Mr.M.Rajendran seeking direction to the respondents to consider his representation dated 14.9.2001 came to be transferred to this court as writ petition.

2. In the said writ petition, the petitioner made a simple prayer for direction to the respondents to consider his representation dated 14.9.2001 wherein he requested for promotion to the post of Assistant from 20.1.1994, the date on which his junior Ashok Kumar was promoted as Assistant. When the matter was taken up, a detailed counter affidavit was filed. Firstly, it was stated that the petitioner was appointed as Junior Assistant by the District Collector on 13.5.1981 from the list drawn from the Employment Exchange in Thanjavur in the Panchayat Union Office under the control of Rural Development Department. He was ousted from service by the proceedings of the District Collector dated 25.1.1982. However, the petitioner filed a civil suit on the file of the District Munsif

Court, Thanjavur. In the said suit, interim stay was granted and subsequently, the suit was decreed setting aside the District Collector's order of ousting. But, the service of the petitioner was regularised in the post of Junior Assistant only on 14.9.2001, and he has not submitted any application whatsoever to the higher authorities for his promotion till 14.9.2001.

3. At this point of time, when the court asked the learned counsel appearing for the petitioner to produce any proof for having submitted the representation dated 14.9.2001, there was no answer. Secondly, it was pointed out by the learned Additional Government Pleader, on instructions from the District Collector who is present in court, that the petitioner, after filing the O.A., unfortunately died in the year 2006, but, till date, no legal representative was brought on record. Therefore, the writ petition has to be dismissed as abated.

4. When the petitioner's services were regularised in the post of Junior Assistant with effect from 14.9.2001, he cannot compare his case with his junior Ashok Kumar whose services were regularised with effect from 20.1.1994 to the said post. That apart, till date, no one has been brought on record as legal representative of the petitioner when the petitioner died in the year 2006. Therefore, the writ petition is dismissed as abated. No costs.

Sd/-
Asst.Registrar

/True Copy/

Sub Asst. Registrar

ssk.

To

1. The Director of School Education,
Chennai 600 006.

2. The District Educational Officer,
Thanjavur District, Thanjavur.

+1 CC to the Government Pleader, SR.4743

+1 CC to Mr.R.Rengaramanujam, Advocate SR 4592

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PA(CO)
PKS
21/02/2015