

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19524 of 2015  
and  
M.P.No.1 of 2015

T.Pushpa Rani

...Petitioner

Vs.

1.The Director,  
Adi Dravidar Welfare Department,  
Chepauk, Chennai -5.

2.The District Adi Dravidar,  
Welfare Officer,  
Erode District, Erode.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, relating to the impugned order dated 29.06.2015 passed by the first respondent in his proceedings Na.Ka.No.02/14376/2015 and quash the same consequently direct the respondents to promote the petitioner for the post of Middle School H.M.

For Petitioner : Mr.P.Immanuel Prakasam

For Respondents : Ms.M.E.Raniselvam  
Addl.Govt.Pleader

सत्यमेव जयते  
O R D E R

The petitioner was initially appointed as Secondary Grade Teacher. She was further promoted as Elementary School Headmistress. She made a request to the respondents to promote her as Middle School Headmistress. Thereafter, she filed a writ petition in W.P.No.15103 of 2015 to dispose of her representation dated 08.09.2014.

2. When the said writ petition i.e, W.P.No.15103/2015, was taken up for hearing, it was submitted by the learned counsel for the petitioner that though disciplinary proceeding was pending against the petitioner, the same resulted in her favour, as she was

exonerated from the charges. However, she apprehended that she may not be considered for inclusion in the panel for promotion to the post of Middle School Headmistress. At this juncture, the learned Additional Government Pleader submitted in W.P.No.15103 of 2015 that since the petitioner stood first in the waiting list, her representation will be considered on merits and in accordance with law.

3. It is useful to extract paragraphs 2 to 5 of the order dated 21.05.2015 made in W.P.No.15103 of 2015:-

"2. The case of the petitioner is that she was appointed as Secondary Grade Assistant Teacher through employment exchange at Poolapalayam Government Welfare School and subsequently, was promoted as Elementary School Headmistress. While she was discharging her duties as Elementary School Headmistress at Kathirimalai Tribal Welfare Residential School, Bhavani Taluk, Erode District, she was issued with a charge memo by the second respondent on the reasoning that she has not attended the school regularly. Thereafter, upon enquiry, it was found that the charges levelled against the petitioner were not proved and the Enquiry Officer submitted a report to that effect. Based on such report, the second respondent exonerated the petitioner from all charges. Since the juniors to the petitioner have been promoted to higher posts, the petitioner submitted a representation dated 08.09.2014 to the respondents requesting them to consider her case and promote her as Middle School Headmistress. But, the same has not evoked any response and hence, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that the petitioner apprehends that her case may not be considered in the counselling scheduled to be held on or before 31.05.2015.

4. On the other hand, learned Additional Government Pleader submits that since the petitioner stands first in the waiting list, her representation will be considered on merits and in accordance with law.

5. This Court, considering the submissions made, directs the respondents to consider the petitioner's representation dated 08.09.2014 on merits, in accordance with law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order."

4. While so, the present impugned order is passed refusing to consider the petitioner for promotion to the post of Middle School Headmistress on the ground she obtained degree in B.A.(Tamil) on 01.01.2010 and hence, she is not eligible for consideration as per G.O.Ms.No.134 School Education Department, dated 15.06.2007.

5.I have perused G.O.Ms.No.134 School Education Department, dated 15.06.2007. In the said Government Order, it is stated that all graduates, irrespective of the subject in which they are holding degree may be considered for promotion to the post of B.T.Assistant and Middle School Headmaster. Later, it was clarified that persons holding degree in Economics and Commerce could be considered for promotion only up to 01.01.2007. As far as persons with degree other than Economics and Commerce are concerned, they would be considered for promotion to the post of Middle School Headmaster and B.T.Assistant. Hence, the said Government Order is in favour of the petitioner. But without application of mind, the impugned order is passed as if B.A.(Tamil) is a disqualification for consideration to the post of Middle School Headmaster and B.T.Assistant. Hence, the impugned order is liable to be quashed.

6. Accordingly, the impugned order dated 29.06.2015 is quashed and the matter is remitted back to the first respondent to pass fresh orders, in the light of the facts set out above and also taking into account the Government Order in G.O.Ms.No.134 School Education Department, dated 15.06.2007, referred to above, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

svki

To

1.The Director,  
Adi Dravidar Welfare Department,  
Chepauk, Chennai -5.

WEB COPY

2.The District Adi Dravidar,  
Welfare Officer,  
Erode District, Erode.

2 CCs to Mr.P.Immanuel Prakasam, Advocate SR.No. 33139

1 CC to the Government Pleader, SR.No. 33636

W.P.No.19524 of 2015  
and M.P.No.1 of 2015

MSM (CO)  
PSI (08.07.2015)



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