

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21197 of 2015 and
M.P.Nos.1 and 2 of 2015

S.Thanigaiarasu

.. PETITIONER

Vs

1. The Director of Elementary Education,
DPI Complex, College Road, Chennai-6.
2. The District Elementary Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
3. The Additional Assistant Elementary Educational
Officer, Thellar, Thiruvannamalai. .. RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his Proceedings in Na.Ka.No.1650/Aa2/2015 dated . 04.2015 which was signed on 06.05.2015 and quash the same and direct the respondents to promote the petitioner as Primary School Headmaster on par with his juniors as on 01.01.2007 based on the amendment to General Rule 4(a) of the Tamil Nadu State and Subordinate Service as per G.O.Ms.No.22 P&AR Department dated 24.02.2014 and in the light of the orders passed by this Court in W.P.(MD) No.7012/2006 dated 25.09.2006 with all service and monetary benefits.

For petitioner : Mr.K.H.Ravikumar

For Respondents : Mr.S.Navaneethan,
Additional Government Pleader

O R D E R

The petitioner was working as a Secondary Grade Teacher in Thellar Panchayat Union in Thiruvannamalai District. He was placed

under suspension w.e.f. 03.07.2007 on the ground that he was facing a criminal proceeding. The Criminal Proceeding ended in acquittal by an order of this Court dated 16.09.2011 in CrI.R.C.No.1171 of 2011.

2. In view of the same, the 2nd respondent passed an order dated 12.02.2014 restoring the petitioner in service and a consequential direction dated 13.02.2014 was issued by the 3rd respondent.

3. The petitioner became a Primary School Headmaster on 01.11.2014.

4. The petitioner made a claim to promote him as Primary School Headmaster from the date on which his immediate juniors were promoted in the year 2007.

5. His request was rejected by the 2nd respondent by impugned order dated 06.05.2015.

6. The impugned order states that the petitioner was under suspension from 02.07.2007 to 12.02.2014 and hence, he could not be promoted in 2007 when his juniors were promoted.

7. In my view, the impugned order is erroneous. The impugned order itself states that the period of suspension from 02.07.2007 to 12.02.2014 was regularised. He was also acquitted in the criminal case. The suspension was solely based on the criminal case.

8. It is stated by the learned Counsel for the petitioner that though the name of the petitioner was included in the panel of the year 2007, he was not given promotion due to the pendency of the criminal case. Now, the criminal case ended in acquittal.

9. In these circumstances, I am of the view that the petitioner shall be promoted from the date on which his immediate juniors were promoted.

10. Accordingly, the impugned order dated 06.05.2015 is set aside and the matter is remanded back to the 2nd respondent to pass appropriate orders in the light of the observation made above, within a period of four weeks from the date of receipt of a copy of this

Order, relating to grant of promotion as Primary School Headmaster

notionally from the date on which his immediate juniors were promoted.

11. With the above observation, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Director of Elementary Education,
DPI Complex, College Road, Chennai-6.
2. The District Elementary Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
3. The Additional Assistant Elementary Educational
Officer, Thellar, Thiruvannamalai.

+1 cc to Mr.K.H.Ravikumar, Advocate, sr.35807
+1 cc to Government Pleader, sr.36072

ak(co)
kra(04/08)

W.P.No.21197 of 2015

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