

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.22608 of 2015

and

M.P.No.1 of 2015

A.Gomathi Selvam

.. Petitioner

.. Vs ..

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director (Personnel),
School Education,
DIP Campus,
College Road,
Chennai-600 009.
3. The Chief Educational Officer,
Tirunelveli.
4. The Headmaster,
Government Higher Secondary School,
Pullukkattuvalasai,
Gunaramanallur-627 814,
Tenkasi Taluk, Tirunelveli District.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to include the name of the petitioner in the panel for promotion to the post of B.T. Assistant (Science) as on 01.01.2015 by taking into consideration of the fact that the petitioner's services were regularised with effect from 06.12.2010 vide proceedings of the third respondent in Mu.Mu.No.184/A6/2015, dated 07.01.2015 and the petitioner's probation was declared with effect from 06.12.2012 vide the proceedings of the third respondent in Mu.Mu.No.420/A5/15, dated 24.01.2015 and accordingly select and appoint the petitioner to the post of B.T.Assistant (Science) as on 01.01.2015.

For Petitioner : Mrs.Dakshayani Reddy
For Respondents: Mrs.M.E.Raniselvam,
Additional Government Pleader

ORDER

The petitioner was appointed as a Physical Education Teacher in the Secondary Grade on 06.12.2010 in the fourth respondent School. The next avenue of promotion is B.T. Assistant. The petitioner is in possession of necessary qualifications to become B.T. Assistant. The crucial date for inclusion of panel for promotion to the post of B.T. Assistant (Science) as on 01.01.2015 is 31.12.2014.

2. The genuineness of 12th standard mark sheet of the petitioner was confirmed by the Director of Government Examinations in his proceedings in O.Mu.No.120886/Vi.2 () 2004, dated 06.11.2004 which is enclosed at page No.12 of the typed set of papers.

3. Only thereafter, the Chief Educational Officer, Madurai, issued a proceedings in Mu.Mu.No.184/A6/2015, dated 07.01.2015, regularizing the service of the petitioner as Physical Education Teacher with effect from 07.12.2010.

4. Thereafter, the third respondent issued a proceedings in Mu.Mu.No.420/A5/15, dated 24.01.2015 declaring that the petitioner satisfactorily completed the probation on 06.12.2012.

5. Since the order of the Chief Educational Officer, Madurai, regularizing the service of the petitioner and the order of the Chief Educational Officer, Tirunelveli, declaring the probation of the petitioner were passed after 01.01.2015, the name of the petitioner was not included in the panel. According to the learned counsel for the petitioner, it is not the fault on the part of the petitioner. Further, the petitioner was regularized from 2010 onwards and the declaration of probation was also made as early as on 06.12.2012. I am in entire agreement with the submission made by the learned counsel for the petitioner.

6. The grievance of the petitioner is that since the orders were passed by the Chief Educational Officer at Madurai and the Chief Educational Officer at Tirunelveli after 01.01.2015, the name of the petitioner was not included in the panel for promotion to the post of B.T. Assistant (Science) as on 01.01.2015.

7. In the said circumstances, the Writ Petition is disposed of, directing the respondents to include the name of the petitioner in the panel for promotion to the post of B.T. Assistant (Science) as on 01.01.2015, if there is no other impediment, and permit the

petitioner to participate in the counseling to be held for the post of B.T. Assistant (Science). No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Jrl
To

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director (Personnel),
School Education,
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College Road,
Chennai-600 009.
3. The Chief Educational Officer,
Tirunelveli.
4. The Headmaster,
Government Higher Secondary School,
Pullukkattuvalasai,
Gunaramanallur-627 814,
Tenkasi Taluk,
Tirunelveli District.

1 cc to Mrs.Dakshayani Reddy , Advocate Sr.No.38013
1 cc to Government Pleader.Sr.No.38400

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