

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.24629 of 2015

and

M.P.No.1 of 2015

J.Arockiyamary

... Petitioner

vs

1. The Director of Elementary Education
DPI Campus, College Road
Chennai 600 006

2. The District Elementary Educational
Officer
Villupuram District, Villupuram

3. The Assistant Elementary Educational
Officer
Kanai, Villupuram District

4. V.Elangovan
B.T.Headmaster
Government Middle School
Udayarnatham
Kanai Block, Villupuram District

5. M.Christopher
B.T.Headmaster
Panchayat Union Middle School
Kozhipattu
Kanai Block, Villupuram District

6. R.Leelamaniammal
B.T.Headmaster
Panchayat Union Middle School
Venmaniyathur
Kanai Block, Villupuram District

7. A.Susi
B.T.Headmaster
Panchayat Union Middle School
Kadayam
Kanai Block, Villupuram District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to revise the seniority in the post of Middle School Headmaster on par with her junior by including the name of the petitioner in the appropriate place in the seniority list prepared as on 1.1.2015, with consequential promotion on par with juniors in the post of Middle School Headmaster with consequential and other attendant benefits by considering the representation submitted by the petitioner dated 21.7.2015, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Subbiah
Special Government Pleader
for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that she, after obtaining the qualification of Diploma in Teacher Education, during the year 1985, was appointed as a Secondary Grade Teacher on 21.10.1986, and got promotion as an Elementary School Headmaster on 3.6.2002, and was further promoted as a B.T. Assistant on 1.6.2010. She would further state that she was reverted to the post of Elementary School Headmaster on 21.12.2011, for want of vacancy due to upgradation and according to her, she was eligible to be promoted as a Middle School Headmaster and however, her name was not included and the names of the respondents 4 to 7, who are her juniors, were included, and she also made a enquiry and was informed that she has studied X Standard and thereafter, got Diploma in Teacher Education and further completed B.Ed. Degree and hence, it cannot be considered to be 10+2+3 pattern.

3.The petitioner would further state that she, by placing reliance upon the clarification issued in G.O.Ms.No.242, Higher Education Department, dated 18.12.2012, filed a writ petition in W.P.No.19987 of 2013 and this Court has finally disposed of the said writ petition after notice, by directing the respondents therein to include her name in the panel for promotion to the post of Middle School Headmaster or B.T. Assistant, prepared as on 1.1.2013, at the appropriate place, based on her seniority by considering the qualification of Diploma in Teacher Education as equivalent to a pass in +2 Course, and the second respondent in compliance of the said order, has temporarily promoted the petitioner as a Middle School Headmaster.

4.The grievance expressed by the petitioner, is that without giving full effect to the above said order, still, the private respondents are placed above her and she also expressed her apprehension that two of her seniors viz. Tvl. Natarajan and Sagayanathan, who are presently working as Assistant Elementary Educational Officers, have given their willingness to get reverted to the post of Middle School Headmaster and in order to accommodate them on reversion to the post of Middle School Headmaster, in the event of no vacancies available, the juniors in the post of Middle School Headmaster would be reverted to the earlier post and since the petitioner's name is not correctly placed in the seniority list, she is treated as a junior and is likely to be reverted from the said post and hence, came forward to file this writ petition.

5.Heard the submissions of Mr.G.Sankaran, learned Counsel appearing for the petitioner, and Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents 1 to 3.

6.Though the petitioner prayed for a larger relief, this Court without going into the merits of either the representation, or the writ petition, directs the second respondent to consider the petitioner's representation dated 21.7.2015, in accordance with law, after putting on notice, the respondents 4 to 7, and pass orders thereon within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 to 7, and till then, defer decision if any, to revert the petitioner to a lower post. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsv

To:

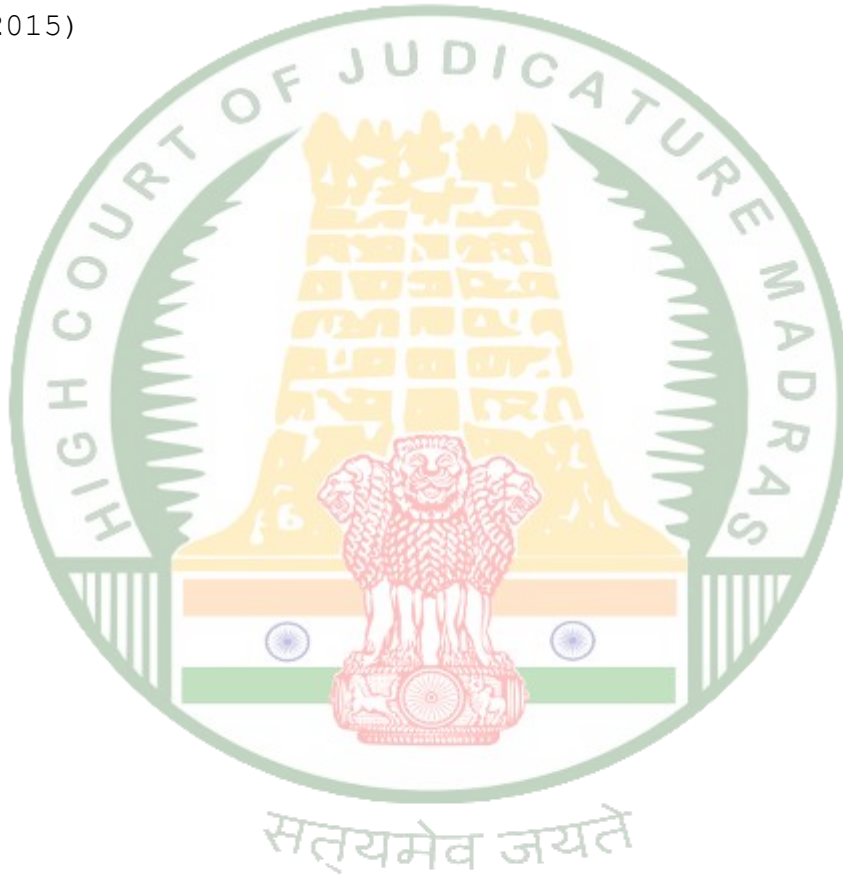
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+1cc to Mr.G.Sankaran, Advocate, S.R.No.41772
+1cc to the Government Pleader, S.R.No.41637

W.P.No.24629 of 2015

EV(CO)
CA(12/08/2015)



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