

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25122 of 2015

and

M.P.No.1 of 2015

1. S.Sellamuthu
2. P.Muthuraja
3. P.Arokiadoss

.. Petitioners

- Vs -

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to include the names of the petitioners in the panel for promotion to the post of Higher Secondary School Headmaster for the year 2015 in the appropriate place by considering the entire length of service of the petitioner from the date of initial appointment to the post of PG Assistant and consequently direct the respondents to promote the petitioners to the post of Higher Secondary School Headmaster based on such seniority with consequential and other attendant benefits.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.K.Rajendra Prasad
Government Advocate

O R D E R

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

2. The petitioners would state that they have participated in the selection conducted by the Teachers Recruitment Board (TRB) in the year 1997 for appointment to the post of PG Assistant in School Education Department. The petitioners would claim that they were selected to the said post on merits but however to their shock and surprise, they were issued with posting orders in Kallar Reclamation School coming under the Most Backward Class Department and such allotment was made without notice or without obtaining any willingness or consent letter from them. In this regard, representations were submitted by the teachers concerned as well as through their association and taking note of the same, the Government issued G.O.Ms.No.7, School Education Department dated 17.01.2002 ordering transfer of 25 PG Assistants to School Education Department as a special case and accordingly the petitioners were transferred to School Education Department, during the academic year 2002-2003 and it has been made without any loss of seniority. The petitioners were also not called upon to give any consent letter to forego their seniority.

3. It is further stated by the petitioners that during the year 2014, the second respondent has issued a circular calling for proforma particulars for promotion to the post of Higher Secondary School Headmaster enclosed with draft panel without considering the names of the petitioners and other persons similarly placed that of the petitioner who were transferred from Kallar Reclamation school. Therefore, in this regard, writ petition was filed in W.P.No.13839 of 2014 praying for inclusion of their names in 2014 panel by counting their entire length of service. Interim orders were also passed by which they also participated in the counselling. The grievance now expressed by the petitioners is that their names continue to be placed in the bottom of the appointees of the year 1998 without reference to their actual date of appointment in the post of PG Assistant in the year 1998. In this regard, each of the petitioner submitted independent representation and since no orders came to be passed, they have come forward to file this writ petition.

4. Mr.G.Sankaran, learned counsel appearing for the petitioners would submit that in the light of G.O.Ms.No.7, School Education Department dated 17.01.2002, the petitioners were transferred to the School Education Department without any loss of seniority. Therefore, they should be placed in the appropriate position with all benefits and though it was brought to the notice of the concerned respondent, no steps have been taken to rectify the said mistake and hence prays for appropriate orders.

5. Heard the submission of Mr.K.Rajendra Prasad, learned Government Advocate who accepts notice on behalf of the respondents.

6. Though the petitioners prays for larger relief, in the light of the facts and circumstances, this Court without going into the merits of the claim projected by the petitioners, directs the second respondent to consider and dispose of the representation of the petitioners dated 06.04.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

-Sd/-

Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

kk

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

+1 cc to Government Pleader (sr.42769)
+1 cc to Mr.G.Sankaran,Advocate (sr.42696)

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Ksj(co)
cp 27.08.2015