

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25883 of 2015
and M.P.No.1 of 2015

A.Munian

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep by its Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
 2. The Director of School Education,
College Road,
Chennai-600 006.
 3. The Joint Director of School Education,
Higher Secondary.
College Road, Chennai-600 006.
 4. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st, 2nd and 3rd respondents herein to consider the petitioner's claim of fixing the ratio of 2:1 between the promotees and the direct the respondents to recruit in the post of Physical Director Grade-I for the appointment of District Inspector of Physical Education as per the representations dated 16.03.2015 and 06.06.2015 and pass orders.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.V.Subbiah,
Special Government Pleader
O R D E R

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

2. The petitioner, at present is working as Physical Director Grade-I and is in-charge of District Inspector of Physical Education (DIPE), Tiruvannamalai. The petitioner would state that he was originally appointed as a Physical Education Teacher through employment exchange and posted at Government High School, Vilappakkam, North Arcot District on 16.09.1986 and subsequently promoted as Physical Director Grade-II during 2009 and got subsequent promotion to the present post. The petitioner would further state that prior to the year 2009, the Government, in order to reform, inspect and regulate the Physical Education in the schools, has created a post of Regional Inspector of Physical Education (men) for 21 districts and Regional Inspector of Physical Education (women) for 4 districts, totally for 25 districts and the said post is equivalent to Physical Director Grade-II and the said system continued till July 2009. Thereafter, G.O.Ms.No.159, School Education (HSE2) Department dated 10.07.2009 came to be passed, wherein the Government have decided to upgrade the post of Regional Inspector of Physical Education (RIPE) into District Inspector of Physical Education, for each districts in the State of Tamil Nadu and in the light of the same, Physical Director Grade-I would continue till retirement or promotion. It is further stated by the petitioner that at present, 750 posts of Physical Director Grade-I is available out of which 50% of posts are filled by direct recruitment and 50% of posts are filled by transfer and promotion from the post of Physical Director Grade-II. It is further stated by the petitioner that the Tamil Nadu Physical Education Teachers Federation had made a detailed representation dated 16.03.2015 to the respondents to consider the claim by fixing up a ratio of 2:1 between promoted Physical Director Grade-I and directly recruited Physical Director Grade-I and the petitioner also submitted a similar representation dated 06.06.2015 to the respondents requesting them to consider his claim for promotion to the post of DIPE and though it was received and acknowledged, he is yet to be favoured with any response and hence, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court, vide order dated 15.07.2015 made in W.P.No.21201/2015 has permitted the petitioner's therein to submit a representation with an appropriate direction to the concerned authority to dispose of the same within a stipulated time and hence, prays for appropriate orders.

4. Heard Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for the respondents.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondents 1 and 2 to consider and dispose

of the representation dated 16.03.2015 submitted by the Tamilnadu Physical Education Teachers Federation as well as the petitioner's representation dated 06.06.2015 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 petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

jvm

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu
School Education Department,
Secretariat, Chennai-600 009.
2. The Director of School Education,
College Road,
Chennai-600 006.
3. The Joint Director of School Education,
Higher Secondary,
College Road, Chennai-600 006.
4. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai

+ 1 cc to Mr.J.Selvarajan, Advocate SR 44322

+ 1 cc to Government Pleader SR 44454

sv(co)
prk7/9

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