

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26018 of 2015

V.Mohan

... Petitioner

Vs

1. The Director of School Education,
DPI Compound, College Road,
Chennai - 6.
2. The Secretary,
The Gopalapuram Boys Higher Secondary
School, 11, Conron Smith Road,
Gopalapuram, Chennai - 86.
3. M.Thirugnanasambandhan

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the first respondent to take appropriate action considering the representation of the petitioner dated 03.06.2015 in accordance with law.

For Petitioner : Mr.P.Nagaraju

For Respondents : Mr.V.Subbiah,
Spl. Govt. Pleader for R1

ORDER

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

2.The petitioner was appointed as B.T. Assistant (Maths) on 26.03.2007 and his probation was declared on 28.03.2009. The petitioner was promoted to the post of Post Graduate Teacher on

01.06.2010. The petitioner would further state that the third respondent was appointed as B.T. Assistant (Science) on 26.03.2008 in the sanctioned post and the same was also approved by the District Educational Officer, Chennai (Central) on 15.12.2008 and his probation was declared on 26.03.2010. One Mr.Bhaskaran, who was working as Post Graduate Teacher (Science) in the services of the second respondent school, was promoted as a Headmaster on 01.06.2008 and according to the petitioner, as a consequence, the post of Post Graduate Teacher (Science) became vacant on 01.06.2008. It is the claim of the petitioner that as per the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 read with Rules, a person, who was appointed as B.T. Assistant, will be considered for promotion to the post of Post Graduate Assistant only after completing his probation and it was clarified by the first respondent and violating the said norms, the third respondent has been given promotion to the post of Post Graduate Teacher on 16.03.2009, though he has not even completed a year of service. The petitioner, in this regard, has submitted a representation dated 03.06.2015 to the first respondent and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the first respondent.

4.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of same, directs the first respondent to consider and dispose of the petitioner's representation dated 03.06.2015 in accordance with law, after putting on notice the third respondent 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 as well as the third respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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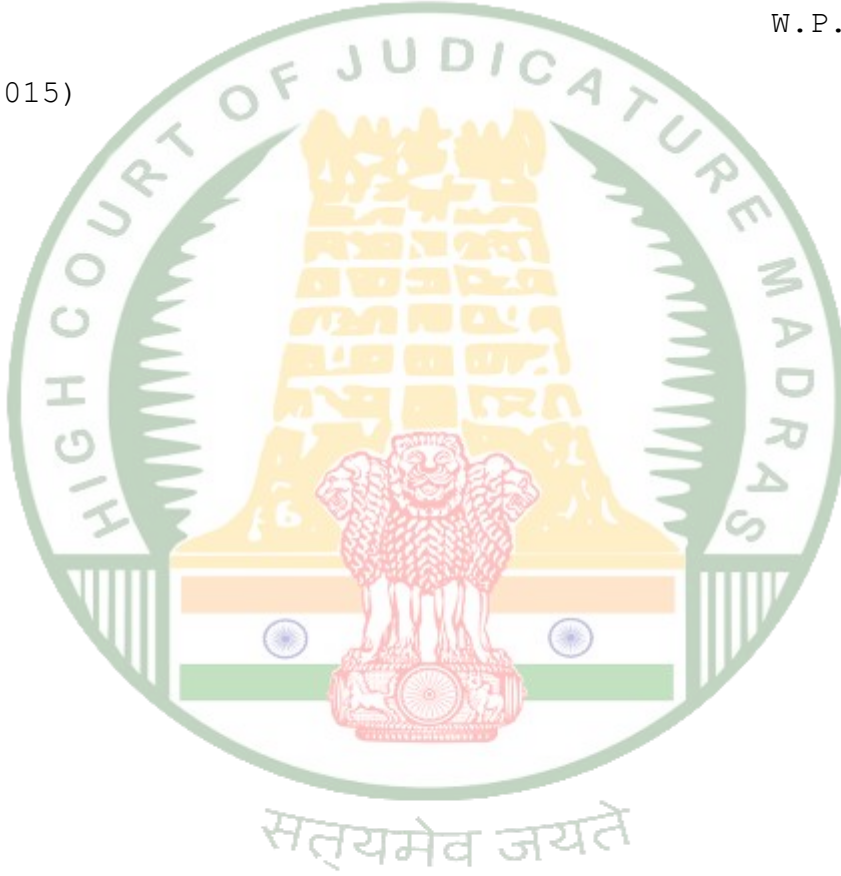
To

The Director of School Education,
DPI Compound, College Road,
Chennai - 6.

+1cc to Mr.P.Nagaraju, Advocate, S.R.No.44391
+1cc to the Government Pleader, S.R.No.44699

W.P.No.26018 of 2015

VD(CO)
CA(08/09/2015)



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