

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27443 of 2015

J.Michael

.. Petitioner

vs

1.The State of Tamilnadu  
rep. By its Secretary to Government  
Higher Education Department  
Secretariat, Chennai 9.

2.The Principal Secretary/  
Commissioner of Technical  
Education  
O/o. The Directorate of Technical  
Education  
Guindy, Chennai 25.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to promote the petitioner as Instructor from the date of acquiring qualification with effect from 1986, as per G.O.Ms.No.1364, Education Department, dated 16.8.1988, and give consequential promotion as Associate Lecturer and Senior Lecturer, as was given to the petitioner's juniors based on the orders passed by this Court in W.A.No.261 of 2008 dated 8.4.2008, and also G.O.Ms.No.89, Higher Education (I2) Department, dated 31.3.2009, and W.P.No.2821 of 2007 dated 15.12.2009, and in Writ Appeal No.114 of 2011 dated 20.10.2011, and also W.P.No.8715 of 2006 dated 19.12.2009, and in W.A.No.74 of 2011 dated 4.11.2013, and fix the petitioner's pay on par with juniors and pay arrears.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Mr.R.Vijayakumar  
Additional Government Pleader

ORDER

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

2.The petitioner would state that he was appointed as a Skilled Assistant on 10.1.1973, by the Principal, Institute of Textiles Technology, Adyar, Chennai, and during the year 1980, he passed Diploma in Mechanical Engineering. It is further stated by the petitioner that vide G.O.Ms.No.1363, Education Department, dated 16.8.1988, amendment to the Special Rules came into being and thereby, one more method of appointment to the post of Instructor, came to be introduced, and he was promoted as an Instructor on 16.12.1988, and pay fixation was also given to him on 16.12.1989, in terms of Rule 22(b).

3.The petitioner would further state that he has also passed B.E. Course during November, 1995, and in terms of G.O.Ms.No.472, Higher Education Department, dated 10.9.1998, one Vinayagamorthy was given retrospective promotion and regularisation to the post of Instructor, and the petitioner got his promotion as Lecturer on 10.1.2001.

4.The grievance expressed by the petitioner, is that some of the persons approached this Court and filed writ petitions and got regularisation of their services from the date of acquiring Diploma qualification and since the petitioner is similarly placed, he has submitted a representation dated 7.7.2015, praying for grant of retrospective/deemed promotion as Instructor from the date of acquiring such qualification and since no orders have been passed, came forward to file this writ petition.

5.The learned Counsel appearing for the petitioner, has invited the attention of this Court to the orders dated 30.10.2006, 8.4.2008, 15.12.2009, 19.12.2009, 20.10.2011 and 4.11.2013, made in W.P.No.4660 of 2005, W.A.No.261 of 2008, W.P.No.2821 of 2007, W.P.No.8715 of 2006, W.A.No.114 of 2011 and W.A.Nos.74 to 76 of 2011 respectively, and in similar facts and circumstances, this Court has passed a positive order ordering retrospective/deemed promotion to the persons concerned and the said order was also implemented in respect of Mr.K.Sundarapandiyan and two others, under G.O.Ms.No.126, Higher Education (C2) Department, dated 30.7.2014, and since the petitioner is also similarly placed, he is to be conferred with the said benefit and prays for appropriate orders.

6.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider the petitioner's representation dated 7.7.2015, on merits and in accordance with law, after taking note of the above cited orders as well as G.O.Ms.No.126 dated 30.7.2014, and pass orders thereon within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken,

to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1.The Secretary to Government  
Higher Education Department  
Secretariat, Chennai 9.
- 2.The Principal Secretary/  
Commissioner of Technical  
Education  
O/o. The Directorate of Technical  
Education  
Guindy, Chennai 25.

+1 cc to Mr.G.Elanchezhiyan, Advocate sr.47407/15

W.P.No.27443 of 2015

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