

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.30246 of 2015

A.Rajasekar

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Education Officer,
Tiruvannamalai District,
Tiruvannamalai.
4. The District Education Officer,
Tiruvannamalai District,
Tiruvannamalai.

... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the fourth respondent to pass order on the proposal submitted by the petitioner dated 27.12.2013 and 20.02.2014 within the time frame to be fixed by this Hon'ble Court.

For Petitioner : Ms.E.Ranganayaki

For Respondents : Mr.R.Bala Ramesh,
Additional Government Pleader

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O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner was appointed as an Office Assistant on compassionate ground on 29.07.1987 and at the time of his initial appointment, the petitioner had a qualification of 10th standard (fail). On account of the same, he was given appointment to the said post. The petitioner, subsequently, passed 10th standard examination and qualified himself to be appointed to the post of Junior Assistant.

3. The petitioner was working as Office Assistant till 03.08.1987 and in the year 1997, several Office Assistants, who were working in the Panchayat Union Office, Tiruvannamalai District were brought into the Education Department by overlooking the seniority of Education Department staffs and subsequently, they were promoted as Record Clerks. Several representations were also submitted in this regard and taking note of the same, the Director of School Education vide proceedings dated 06.05.1999 has ordered for the preparation of panel by placing the Panchayat Union Office staff over and above the persons, who were working in the Education Department. In compliance of the same, the fourth respondent has issued show cause notice to the persons, who were promoted as Record Clerks. However, they continue to work in that capacity.

4. Insofar as the prayer made by the petitioner to promote him to the post of Record Clerk, necessary proposals have been submitted and since some defects were pointed out, the said proposal was returned and the Headmaster of the Government High School, Sevarapoondi in his communication dated 20.2.2014 addressed to the fourth respondent resubmitted the said proposal after complying with the said defects. However, no orders have been passed promoting the petitioner to the post of Record Clerk. Though the petitioner has also, in this regard, has submitted a representation to the third respondent through proper channel, no orders have been passed. Hence, the petitioner has come forward with this Writ Petition.

5. This Court heard the submissions of the learned counsel appearing for the petitioner and the learned counsel, who accepts notice on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above-said facts and circumstances, directs the fourth respondent to act on the proposal sent by the Headmaster, Government High School, Sevaranpoondi vide proceedings Na.Ka.No.225/2013 dated 20.2.2014 and pass orders on merits and in accordance with law 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.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Education Officer,
Tiruvannamalai District,
Tiruvannamalai.
4. The District Education Officer,
Tiruvannamalai District,
Tiruvannamalai.

+1cc to Mr.E.Ranganayaki, Advocate, S.R.No.52276
+1cc to the Government Pleader, S.R.No.52441

GJ(CO)
CA(09/10/2015)

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