

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.33089 of 2015

R.M.Senthil Kumar

.. Petitioner

vs

1. The Secretary to Government
Higher Education Department
Fort St. George,
Chennai 600 009

2. The Director of College Education
College Road,
Chennai 600 006

3. The Joint Director of College Education
Chennai 600 006

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to revise the seniority of the petitioner in the cadre of Junior Assistant at par with his junior R.Govindaswamy, who was promoted as Assistant on 28.2.2006, by including him in the panel of the year 2006-2007 and grant him further promotion at par with his junior in the light of the representation made by him dated 22.1.2015, within a reasonable time.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.V.Subbiah
Special 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 Junior Assistant on compassionate ground, on 19.2.1999, and joined duty on 1.3.1999, and his services were regularised in the cadre of Junior Assistant on 1.2.2010, vide G.O.(3D) No.2 of Higher Education (G2) Department.

3. The grievance expressed by the petitioner, is that the belated sending of employees for training at Bhavani Sagar cannot be put against them for inclusion of their names in the panel for promotion as Assistant and in this regard, one S.E.Suresh had filed W.P.No.26675 of 2011, and this Court vide order dated 16.08.2013, has taken note of the earlier orders passed in the writ petition, and held that the belated sending of the concerned person for training cannot be put against him for inclusion of the name in the panel for promotion and since the petitioner is similarly placed, he came forward to file this writ petition.

4. Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner, has drawn the attention of this Court to the above cited order and would submit that since the petitioner is similarly placed, he is entitled to get the same benefit. The learned Senior Counsel would further contend that as a consequence, since the petitioner is yet to be given promotion, his juniors, who had undergone training prior to him, have been given further promotions, whereas he is languishing in the very same post for quite a number of years and prays for appropriate orders.

5. The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents, also.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the second respondent to consider the petitioner's representation dated 22.1.2015, on merits and in accordance with law and pass orders thereon within a period of six 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.
Nsv

Sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To:

1. The Secretary to Government
Higher Education Department
Fort St. George,
Chennai 600 009

2. The Director of College Education
College Road,
Chennai 600 006

3. The Joint Director of College Education
Chennai 600 006

+1 C.C. To MR.M.Muthappan, Advocate in SR.NO.56823

+1 C.C. To Government Pleader in SR.NO.57616

W.P.No.33089 of 2015

CTK(CO)
sd : 20/10/2015



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