

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36513 of 2015

and

M.P.No.1 of 2015

T.Saravanan

..Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by The Secretary to Government
Higher Education Department,
Secretariat, Chennai - 9.

2. The Director of Technical Education,
Guindy, Chennai - 32.

.. Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to give promotion to the petitioner either to the post of Instructor or Lecturer by taking note of his qualification in the light of similar order passed by this Hon'ble Court in W.A.No.1323 of 2011 dated 02.11.2011 implemented by the 1st respondent by way of G.O.Ms.No.121 Higher Education Department dated 01.04.11 with effect from the date of acquisition of B.E. qualification in 2008 with all monetary and service benefits.

For Petitioner :Mr.Singaravelan
for Ms.M.Srividhya

For Respondents:Mr.S.Gunasekaran
Government Advocate

O R D E R

Mr.S.Gunasekaran, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed for a Writ of Mandamus, directing the 2nd respondent to give promotion to the petitioner either to the post of Instructor or Lecturer by taking note of his qualification in the light of similar order passed by this Hon'ble Court in W.A.No.1323 of 2011 dated 02.11.2011 implemented by the 1st respondent by way of G.O.Ms.No.121 Higher Education Department dated 01.04.11 with effect from the date of acquisition of B.E. qualification in 2008 with all monetary and service benefits.

3. According to the petitioner that he has passed B.E. Mechanical Engineering in I class in the year 2008 and M.E. with I class in the same branch in the year 2010 and he joined in the service in the post of Workshop Instructor on 11.01.1990.

4. The petitioner would claim that he is entitled to be promoted as Instructor. However, after abolition of the post of Instructor, the Government appointed certain candidates to the post of instructor on contract basis and later regularised their service. A similarly placed person filed a writ petition and based on the order passed in W.P.No.9905 of 2001, the government issued a G.O.Ms.No.121, Higher Education Department, dated 01.04.2011. Therefore, the petitioner gave a representation to the first respondent dated 04.11.2015 seeking promotion, but it was not yet considered and hence, the present writ petition.

5. Heard Mr.Singaravelan, the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondents.

6. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 04.11.2015 and pass orders on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

With the above said direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

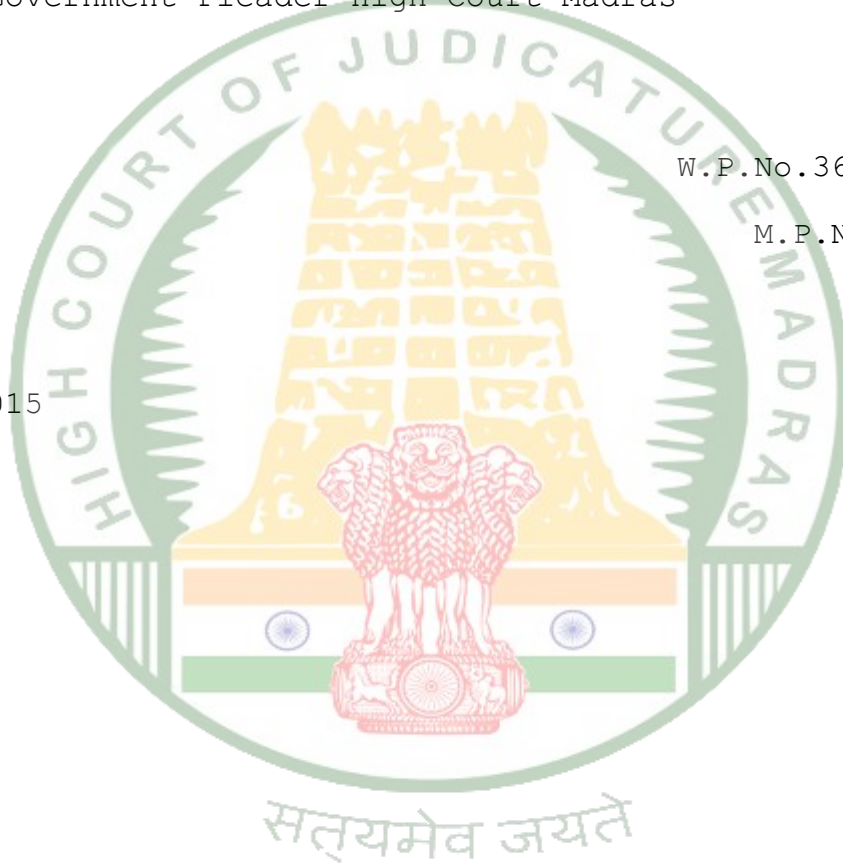
1.The Secretary to Government
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Higher Education Department,
Secretariat, Chennai - 9.

2. The Director of Technical Education,
Guindy, Chennai - 22.

+1 cc to M/S.M.Srividhya Advocate sr.62463
+1 cc to Government Pleader High Court Madras
sr.62329

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