

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.25550 of 2012

and

M.P.Nos.1 of 2012 & 1 of 2013

T.Sivakumar

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai-600 006.

2.The District Elementary Educational Officer,
Thiruvannamalai District. Respondents
(R1 Cause Title amended as per order
dt.4.4.14 in MP.1/14 in WP.25550/12)

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the order in Na.Ka.No.2057/A5/2012 dated 21.07.2012 on the file of the second respondent, quash the same and consequently direct the respondents to restore the petitioner to the post of B.T. Assistant from the date on which he was promoted namely 27.06.2012 with all consequential service and monetary benefits.

For Petitioner : Ms.Revathi
for

Mr.M.Ravi

For Respondents : Mr.V.Shanmughasundar
Govt. Advocate for R1 & R2

O R D E R

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

2. The petitioner herein is working as B.T. Assistant. Though the petitioner has obtained B.Sc., Degree in Applied Chemistry, it was found in the Service Register that he made a wrong entry, as if he has completed B.Sc., Chemistry. Accordingly, by the impugned order, the promotion granted to the petitioner was cancelled as B.Sc., Chemistry is not equivalent to B.Sc., Applied Chemistry. Thus, by the impugned order, the petitioner was demoted to the Secondary Grade Assistant from the promotional post

of B.T. Assistant. Challenging the same, the present writ petition has been filed.

3. As rightly submitted by the learned counsel for the petitioner, the order impugned has got civil consequences. The petitioner has not been heard before passing the impugned order. For the said reason only the order impugned in the writ petition is set aside without going into the facts and merits of the matter.

4. Accordingly, the impugned order is set aside and the writ petition is disposed of giving liberty to the second respondent to proceed in accordance with law, after affording opportunity to the petitioner. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
College Road,
Chennai-600 006.
 - 2.The District Elementary Educational Officer,
Thiruvannamalai District.
- +1 cc to Mr.M.Ravi, Advocate,SR.16547.

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सत्यमेव जयते Order in W.P.No.25550 of 2012

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