



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2015

CORAM:
THE HONOURABLE Mr.JUSTICE T.RAJA

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W.P. (MD) Nos.15203, 15659 and 15379 of 2015
and
M.P. (MD) Nos.1,1 and 1 of 2015

W.P. (MD) No.15203 of 2015:

A.Priya

... Petitioner

Vs.

- 1.The State of Tamil Nadu Rep.by
The Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai 600 006.
- 3.The District Elementary Educational Officer,
Virudhunagar,
Virudhunagar District.
- 4.The Additional Assistant Elementary Educational Officer,
Thiruchuli,
M.Reddiyapatti 626 118,
Virudhunagar District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner as BT Assistant in English in the available vacancy at Panchayat Union Middle School, Pothampatti, Thiruchuli Union as provided under the Special Rules for the Tamil Nadu Elementary Educational Subordinate Service and as per the Seniority Panel drawn by the AAEO for the year 2015.

For Petitioner : Mr.Isaac Mohanlal
For Respondents : Mr.T.S.Md.Mohideen, AGP

W.P. (MD) No.15379 of 2015:

N.Mangaleswari

... Petitioner

Vs.

- 1.The State of Tamil Nadu Rep.by
The Principal Secretary,
Department of Elementary Education,
Fort St.George, Chennai 600 009.



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

3.The District Elementary Educational Officer,
Ramanathapuram
Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Nainarkovil,
Ramanathapuram District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.3 and 4 to consider the petitioner for promotion to the vacant post of B.T. Assistant (Science) at Panchayat Union Middle School, at Kottakudi, Nainarkoil Union, Ramanathapuram District within the time stipulated by this Court.

For Petitioner : MR.S.Louis for
Mr.T.Lajapathiroy
For Respondents : Mr.T.S.Md.Mohideen, AGP

W.P. (MD) No.15659 of 2015:
K.Kanagaraj

... Petitioner

Vs.

1.The State of Tamil Nadu Rep.by
The Principal Secretary,
Department of Elementary Education,
Fort St.George, Chennai 600 009.

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

3.The District Elementary Educational Officer,
Thoothukudi
Thoothukudi District.

4.The Assistant Elementary Educational Officer,
Pudur, Pudur Union,
Thoothukudi District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.3 and 4 to consider the petitioner for promotion to the vacant post of B.T. Assistant (Mathematics) at Panchayat Union Middle School, at



Singlipatti, Pudur Union, Thoothukudi District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathiroy
For Respondents : Mr.T.S.Md.Mohideen, AGP

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COMMON ORDER

The petitioners viz., A.Priya, N.Mangaleswari and K.Kanagaraj, have filed these writ petitions seeking for issuance of a Writ of Mandamus, to give promotion to them forthwith as B.T. Assistant (English) in the available vacancy at Panchayat Union Middle School, Pothampatti, Thiruchuli Union, B.T. Assistant (Science) at Panchayat Union Middle School, at Kottakudi, Nainarkoil Union, Ramanathapuram District and B.T. Assistant (Mathematics) at Panchayat Union Middle School, at Singlipatti, Pudur Union, Thoothukudi District, respectively, in the promotion panels with all attendant benefits.

2. Heard both sides.

3. In the light of the recent Government Order in G.O.Ms.(1D) No.232, School Education Department, dated 13.07.2015 the direction given in clause 3 of paragraph No.1, stating that even before the counselling took place, while keeping in mind the welfare of the students, teachers and school and depending upon the requirements, transfer can be effected to my mind may cause prejudice to the petitioners' promotion. As prima facie is made out in these cases, the petitioners are shown as senior, therefore, without considering the names of the petitioners, who are shown as Rank No.1, for promotion to the post of B.T.Assistant, no other person can be considered for promotion. As the petitioners were not considered in the counselling held on 16.08.2015 though they are in Rank No.1, the petitioners are entitled for promotion to the post of B.T.Assistant in the above said places.

4. With the above terms, these Writ petitions are disposed of. No costs. Consequently, connected M.Ps. are closed.

SD/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Department of School Education,
Fort St. George, Chennai 600 009.

2. The Principal Secretary The State of Tamil Nadu
Department of Elementary Education,
Fort St. George, Chennai 600 009.



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

4.The District Elementary Educational Officer, Virudhunagar,
Virudhunagar District.

5.The Additional Assistant Elementary Educational Officer,
Thiruchuli,
M.Reddiyapatti 626 118,
Virudhunagar District.

6.The District Elementary Educational Officer,Ramanathapuram,
Ramanathapuram District.

7.The Assistant Elementary Educational Officer,
Nainarkovil,
Ramanathapuram District.

8.The District Elementary Educational Officer,Thoothukudi
Thoothukudi District.

9.The Assistant Elementary Educational Officer,
Pudur, Pudur Union,
Thoothukudi District.

+1cc to M/S.ISAAC MOHANLAL,ADVOCATE SR No.49895

+1CC TO MR.T.LAJAPATHI ROY,ADVOCATE SR NOS.50147 & 50148

W.P. (MD) Nos.15203, 15659 and 15379 of 2015
28.08.2015

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