



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.16060 of 2015

and

M.P. (MD) Nos.2 and 3 of 2015

1.D.Alphonse Rani

2.M.Murugan

:Petitioners

vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Elementary Education,
Fort St.George,
Chennai - 06.

2.The Director of Elementary Education,
Chennai - 06.

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

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

5.A.K.Lalithambika

6.R.Renganayagi

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned panel for promotion to the post of Middle School Head Masters signed on 31.03.2015 by the respondent No.4 and approved by the respondent No.3 on 04.06.2015 and the consequential orders of promotion in Na.Ka.No.3183/Aa2/2015, dated 16.08.2015 on the file of the respondent No.3 and quash the same as illegal and consequently to direct the respondent Nos.3 and 4 to consider the petitioners for inclusion in the said panel for promotion to the post of Middle School Head Masters within Nainarkoil Union, Ramanathapuram District. Accordingly promote the petitioners to the post of Middle School Head Masters, within the time stipulated by this Court.



For Petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.M.Muniyasamy

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O R D E R

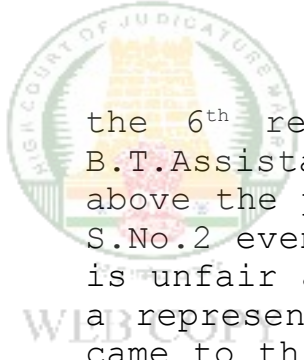
The Writ Petition has been filed by two teachers viz., D.Alphonse Rani and M.Murugan, challenging the impugned panel for promotion to the post of Middle School Headmasters, signed on 31.03.2015 by the 4th respondent and approved by the 3rd respondent on 04.06.2015 and the consequential orders of promotion in Na.Ka.No.3183/Aa2/2015, dated 16.08.2015, passed by the 3rd respondent to quash the same as illegal with a consequential direction against the respondents 3 and 4 to consider the petitioners for inclusion in the said panel for promotion (Middle School Headmasters), within the specific time limit.

2. Learned counsel for the petitioner submitted that the first petitioner viz., D.Alphonse Rani, was appointed as Secondary Grade Teacher on 10.10.1996 in Pogalur Union and on transfer came to Nainarkovil Union on 17.07.1997. Subsequently, she was promoted to the post of Elementary School Headmaster on 08.09.2004 and presently, she is working as Elementary School Headmaster at Panchayat Union Primary School, Chinna Akiramesi, Nainarkovil Union, Ramanathapuram District.

3. Similarly, the 2nd petitioner viz., M.Murugan, was also appointed as Secondary Grade Teacher on 25.07.1997 at Panchayat Union Middle School, Vallam. She latter on promoted to the post of Elementary School Headmaster on 07.09.2004 and again further promoted as B.T.Assistant (Science) and now serving as B.T.Assistnat (Science) at A.C.V.Mangalam Panchayat Middle School.

4. While so, a combined panel of Secondary School Headmasters and Secondary Grade Teachers eligible for promotion to the post of Middle School Headmasters was drawn, in which, the 6th respondent was placed above the petitioners at S.No.1 and the first petitioner was placed at S.No.2. However, none of them were promoted, in view of no vacancy arose at that point of time. Thereafter, the 6th respondent was given promotion to the post of B.T.Assistant (Tamil) and joined in the said post on 23.06.2014. However, when the 4th respondent prepared the panel for promotion to the post of Middle School Headmasters, keeping the crucial date of 01.01.2015 again the first petitioner was placed at S.No.2, below the 6th respondent, ignoring the fact that the 6th respondent was already given promotion during last year to the post of

5. Therefore, the grievance of the petitioner is that, when



the 6th respondent was already given promotion to the post of B.T.Assistant, the question of again keeping the 6th respondent above the petitioner, continuously keeping the first petitioner at S.No.2 even for promotion to the post of Middle School Headmaster, is unfair and unjustifiable. Therefore, the petitioners had given a representation on 30.04.2015. As there was no response, they came to this Court by filing a Writ Petition in W.P.(MD)No.7881 of 2015 and this Court, by an order dated 06.05.2015, directed the respondents 2 and 3 therein, to consider the representation of the petitioners. Subsequently, when the respondents 3 and 4 conducted the counselling on 16.08.2015, just prior to that, the impugned panel was shown to the petitioners on 03.07.2015, calling for objections. Immediately, the first petitioner has given objections on 06.07.2015. But, without considering the same, the impugned panel has been given effect. Learned counsel continuing his argument would submit that the 1st petitioner has raised various objections, including the eligibility of the 6th respondent saying that she has not even studied plus two and she had possessed only a Diploma in Teacher Education.

6. But this Court finds no justification for the petitioners to approach this Court, inviting this Court to interfere with the impugned panel for one major reason that, when the petitioners in their affidavit, in paragraphs 4 and 6 have specifically mentioned that the 6th respondent was placed above the petitioner at S.No.1 and the 1st petitioner was placed at S.No.2 in the combined panel for Elementary School Headmasters and Secondary Grade Teachers eligible for promotion to the post of Middle School Headmasters. Subsequently, the 6th respondent was promoted to the post of B.T.Assistant on 23.06.2014. She has also joined duty as B.T.Assistant (Tamil) on 23.06.2014. When the petitioner has accepted the 6th respondent, as her senior and till date, she has not even chosen to challenge the rank given to the 6th respondent and also the promotion given to the 6th respondent, the contention advanced before this Court, by the learned counsel for the petitioners that after giving promotion to the post of B.T.Assistant, she should not be again considered for the post of Headmaster of Middle School, ignoring the petitioners rank in the combined seniority list is far from acceptance. Therefore the writ petition fails and the same is liable to be dismissed.

7. In the result, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (Per Admn)



To
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1. THE PRINCIPAL SECRETARY,
THE STATE OF TAMIL NADU,
DEPARTMENT OF ELEMENTARY EDUCATION,
FORT ST. GEORGE, CHENNAI - 06.
2. THE DIRECTOR OF ELEMENTARY EDUCATION,
CHENNAI - 06.
3. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
NAINARKOVIL, RAMANATHAPURAM DISTRICT.
- 5 MRS. A.K. LALITHAMBIKA, MIDDLE SCHOOL, HEADMISTRESS,
PANCHAYAT UNION MIDDLE SCHOOL, MUMMUDICHATHAN,
NAGERCOIL UNION, RAMANATHAPURAM DISTRICT.
- 6 MRS. R. RENGANAYAGI, MIDDLE SCHOOL, HEADMISTRESS,
PANCHAYAT UNION MIDDLE SCHOOL, AYANSITHANENTHAL,
NAINARKOVIL UNION, RAMANATHAPURAM DISTRICT

+1 cc to MR. T. LAJAPATHY ROY, ADVOCATE, SR NO: 52163

JAM /30.10.2015/JGB/4P-8C

W.P. (MD) No. 16060 of 2015
04.09.2015