



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/4/2015

C O R A M

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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.6932 of 2015

and

M.P.(MD)No.1 of 2015

Manikanth

... Petitioner

Vs

1.The Director of School Education,
DPI Campus, College Road,
Chennai.

2.The Joint Director of School Education,
(Personnel),
DPI Campus, College Road,
Chennai.

3.The Chief Educational Officer,
Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to promote the petitioner in the pot of Regular Superintendent and further post him as Regular Superintendent at Assistant Elementary Educational Office (AEEO), Sathankulam, Tuticorin District, on the basis of counselling held on 20.12.2014 at Chennai, as per the communication from the 2nd respondent in Na.Ka.No.23253/A3/E1/2014, dated 17.12.2014.

For Petitioner

...

Mr.V.Sankaranarayanan

For Respondents

...

Mr.V.Muruganandam, AGP

O R D E R

<https://hcservices.courts.gov.in/hcservices/> Petition has been filed, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to promote the petitioner in the pot of Regular Superintendent and further post



him as Regular Superintendent at Assistant Elementary Educational Office (AEEO), Sathankulam, Tuticorin District, on the basis of counselling held on 20.12.2014 at Chennai, as per the communication from the 2nd respondent in Na.Ka.No.23253/A3/E1/2014, dated 17.12.2014.

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2. By consent of both parties, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that he has not been promoted on the ground of punishment and that punishment order has been stayed by this Court in W.P.(MD)No.196 of 2015, on 08.01.2015. The petitioner has also stated that he has made a representation on 22.04.2015 stating that, since the punishment order has been stayed, his case has to be considered for promotion. The petitioner vehemently contended that this Court should direct the respondents to promote him to the post of Regular Superintendent, since the order of punishment has been stayed by this Court.

4. In reply, the respondents submitted that the order of punishment has been stayed but, the petitioner's case has to be considered depending upon the rules and regulations applicable. It is has been further contended that the petitioner cannot seek for a prayer that he should be promoted in the post of Regular Superintendent and that at the most, he can seek the prayer to consider his request for promotion.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. I find that the contention of the respondents is correct and that the petitioner he can seek the prayer to consider his request for promotion and he cannot seek for a Mandamus directing for promotion. Since the order of punishment has been stayed by this Court and if the promotion has been deprived only on that score, viz., the petitioner is undergoing punishment, the case of the petitioner may be considered and appropriate orders may be passed considering totality of the circumstances. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/



To

1.The Director of School Education,
DPI Campus, College Road,
Chennai.

2.The Joint Director of School Education,
(Personnel),
DPI Campus, College Road,
Chennai.

3.The Chief Educational Officer,
Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

+One cc to Mr.V.Sankaranarayanan, Advocate, SR.No.23769

mpk

RL/ 6c- 13/5/2015

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28/4/2015