

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 27.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.No.15722 of 2016

M.S.Sankarapandian

...Petitioner

Versus

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to pass appropriate orders for granting promotion to the petitioner to the post of High School Headmaster by including his name in the appropriate panel on par with BT Assistant in School Education Subordinate Services as declared as per the orders passed by the State Government with all consequential benefits by considering the representation submitted by the petitioner dated 15.04.2016 within a time frame fixed by this court.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mr.S.Gunasekaran

Additional Government Pleader

ORDER

The petitioner M.S.Sankarapandian has filed this writ petition for issuance of a writ of mandamus to direct the respondents to pass appropriate orders for granting promotion to the petitioner to the post of High School Headmaster by including his name in the appropriate panel on par with BT Assistant in School Education Subordinate Services as declared as per the orders passed by the State Government with all consequential benefits by considering the representation

submitted by the petitioner dated 15.04.2016 within a timeframe fixed by this court.

2. Heard the learned counsel for the petitioner.

3. The claim of the petitioner is that he is qualified with M.Com., M.Ed. and M.Phil., and he was appointed as regular Vocational Instructor. Since the Vocational Instructors are governed by Tamil Nadu School Education Subordinate Service Rules based on Adhoc Rules framed in G.O.Ms.No.6, School Education Department dated 04.01.2000, except provisions regarding subject, qualification, declaration of probation, all other provisions of Tamilnadu School Education Subordinate Services are made applicable to them. Besides, G.O.Ms.No.185 School Education Department dated 25.05.2008 decided to treat the Vocational Instructors who fulfilled the necessary qualification on par with BT Assistants, for promotion to the post of PG Assistant in Tamilnadu Higher Secondary Educational Service by transfer of service. Therefore, it is claimed that the petitioner is eligible for promotion to the post of High School Headmaster on par with BT Assistant, since he is possessing M.Com., and B.Ed., qualification. In this regard, he has given a representation dated 15.04.2016 referring the orders passed by this court in W.P.No.11877 of 2009 dated 28.02.2011 whereby this Court directed the respondents to consider the case of eligible Vocational Instructors in commerce and business for empanelment for the post of Headmasters/Headmistress, in accordance with rules, subject to their fulfilling qualification and one another order passed by this court in W.P.No.1176 of 2010 dated 09.01.2012, directing the respondents to consider the case of the petitioner therein for inclusion in the panel for the post of Headmaster in accordance with the Rules subject to the fulfilling the other qualifications. Since the respondents have drawn up panel for the promotional post, he has come to this court.

4. Mr. S. Gunasekaran, learned Additional Government Pleader who takes notice for the respondents submits that the petitioner has sent his representation only on 15.04.2016 and without giving sufficient time, he has approached this court, therefore, the prayer of the petitioner has to be treated as premature.

5. In reply, the learned counsel for the petitioner states that since the initiation of drawal of panel has already been made, the petitioner without wasting his time has come to this court.

6. Be that as it may, the writ petition is disposed of by directing the respondents to consider the case/representation

dated 15.4.2016 of the petitioner who is in similar circumstances for the post of Headmaster, in the light of the above orders, if he is eligible within three weeks from the date of receipt of this order. No costs. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

1 cc to The Government Pleader, sr.26791
1 cc to M/s.G.Sankaran, Advocate, sr.26693

W.P.No.15722 of 2016

ppa co
kra 24.05.2016

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