

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.21353 of 2016

M.Mani

..Petitioner

-Versus-

- 1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of Elementary Education
College Road, Chennai-600 006.
3. The District Elementary Educational Officer
Perambalur District, Perambalur.

...Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents 1 & 2 to consider the representation dated 02/06/2016 for filling up the vacant post of BT Assistant (Maths) at A.Mettur Panchayat Union Middle School of Veppanthattai Panchayat Union, Perambalur District.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr. A.Rajaperumal
Government Advocate

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 & 2 to consider the representation of the petitioner dated 02/06/2016 for filling up the vacant post of BT Assistant (Maths) at A.Mettur Panchayat Union Middle School of Veppanthattai Panchayat Union, Perambalur District.

3. The petitioner would state that he joined as Secondary Grade Teacher on 14/12/2000 and allotted to Thoothur Panchayat Union Middle School of Thirumanur Union now in Ariyalur

District. Subsequently, his services were also regularized. In the meanwhile, the petitioner got transferred to Veppanthattai Panchayat Union schools at Perambalur District on his request and joined in the post on 16.08.2001. At present, the petitioner is working at Panchayat Union Elementary School at Noothappur. It is further contended that as far as the service conditions of the teachers working in the Panchayat Union is concerned, as per the Special Rules, each Panchayat Union is a unit by itself for the purpose of seniority, promotion etc., and liable to be transferred within the Union. However, if they got transfer on their request to other Panchayat Union or District, they will be placed as junior most in the seniority list. It is further submitted that the petitioner was working in the post of Secondary Grade teacher, the next avenue of promotion is to the post of BT Assistant who could handle the classes in the Middle School sections (classes 6 to 8). After the appointment of the petitioner, while working as Secondary Grade teacher, the petitioner acquired B.Sc (Maths) degree in 2009 and subsequently B.Ed qualification in 2010 and thereby become eligible to be considered for the post of BT Assistant, of course subject to seniority and eligibility. As already stated, the seniority and promotion of the teachers are only within the Panchayat Union and the respondents have to fill up the same by drawing seniority list and panel by taking the crucial date as first day of January every year. According to the petitioner, a post of BT Assistant (Maths) is lying vacant at A.Mettur Panchayat Union Middle school and the same is confirmed from the information received by the petitioner under RTI Act. As per the seniority list prepared and published in respect of Veppanthattai Panchayat Union schools, the petitioner is the senior most person in the cadre of Secondary Grade Teachers eligible to be considered for the post of BT Assistant. The teacher who is in srl.No.-1 of the panel and now working in the post of Elementary School Headmaster has relinquished her promotional post. Hence, there is no impediment for the respondents to consider the claim of the petitioner to the post of B.T Assistant. It is further submitted that after obtaining information about the vacancy under the RTI Act, the petitioner made a representation dated 02.06.2016 to the respondents with a request to fill up the said vacancy. But the same has not been considered so far. Hence, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

4. Heard the submissions of Mr.S.K.Kamadevan, learned counsel for the petitioner and Mr.A.Rajaperumal, learned Government Advocate appearing for the respondents.

5. Mr.A.Rajaperumal, learned Government Advocate takes notice for the respondents. He has no serious objection for issuing a direction to the respondents to consider the representation of the petitioner and to pass appropriate orders thereon within a time frame.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent to consider the representation of the petitioner dated 02.06.2016 and pass appropriate orders, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner.

7. With the above direction, the writ petition is disposed of. No costs.
arr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
 2. The Director of Elementary Education
College Road, Chennai-600 006.
 3. The District Elementary Educational Officer
Perambalur District, Perambalur.
- + 1 cc to Mr.S.Kamadevan, Advocate Sr 34582
+ 1 cc to The Govt.Pleader, Sr 34904

KR/4/7/16

सत्यमेव जयते

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