

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2016

CORAM

THE HONOURABLE Ms. JUSTICE R.MALA

W.P.No.21707 of 2016
and
W.M.P.No.18570 of 2016

K.Eswaran
Head Master (Incharge)
Panchayat Union Elementary School
Ponchoolai Village, Thally Union,
Krishnagiri District. ... Petitioner

...Vs...

- 1.The Director of Elementary Education
D.P.I Campus
College Road, Chennai.
- 2.The District Elementary Educational Officer
Krishnagiri District.
- 3.The Assistant Elementary Educational Officer
Thally Panchayat Union
Krishnagiri District. ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to promote the petitioner to the post of Elementary School Head Master, Ponchoolai Panchayat Union Elementary School, Thally Panchayat Union, as promised vide proceedings of the 2nd respondent in Na.Ka.No.4504/A3/2015 dated 05.01.2016.

For Petitioner : Ms.Dakshayani Reddy
For Respondent : Mr.A.Kannan Kumar, S.G.P.,

ORDER

Heard Ms.Dakshayani Reddy, learned counsel appearing for the petitioner and Mr.A.Kannan Kumar, learned Special Government Pleader who has taken notice on behalf of the respondents and with the consent of the either side, the writ petition itself is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of a Writ of Mandamus directing the respondents herein to promote the petitioner to the post of Elementary School Head Master, Ponchoolai Panchayat Union Elementary School, Thally Panchayat Union, as promised vide proceedings of the 2nd respondent in Na.Ka.No.4504/A3/2015 dated 05.01.2016.

3.The case of the petitioner is that he was originally appointed to the post of Secondary Grade Teacher in Panchayat Union School, Shivpuram, Thally Union, Krishnagiri District with effect from 18.12.2009 and subsequently, he was transferred to Panchayat Middle School, Pandurangan Thotti, Thally Panchayat Union, Krishnagiri District vide proceedings dated 19.09.2011. Thereafter, based on the seniority list drawn on 01.01.2015, the petitioner was promoted to the post of Elementary School Headmaster vide proceedings of the second respondent dated 17.08.2015 and he was posted to Panchayat Union Elementary School at Kastur, Thally Union.

4.While so, pursuant to the order of this Court made in W.P.No.31523/2015 dated 07.08.2015, a proceeding dated 05.01.2016 came to be issued, in and by which one Mr.Rajendran, who was the immediate senior to the petitioner was promoted as Elementary School Head Master in the place of the petitioner and the petitioner was reverted as Secondary Grade Teacher. In the said proceeding it was stated that the petitioner will be given promotion as soon as the vacancy arises.

5.The learned counsel for the petitioner submitted that already the Government had sanctioned four schools in Thally Panchayat Union in Krishnagiri District vide G.O.Ms.No.16, School Education Department, dated 28.01.2016. However, the petitioner herein was only posted as Headmaster (Incharge) in Panchayat Union Elementary School, Ponchoolai village, Thally Union. Hence, the petitioner submitted a representation dated 04.04.2016, however the respondent has not taken any steps in the matter and thus, the petitioner is constrained to approach this Court by filing the present writ petition.

6.The learned counsel for the petitioner further submitted that the respondent may be directed to consider the representation made by the petitioner within the time stipulated by this Court and till then, the respondent may be directed to keep the post of Headmaster as vacant in the Panchayat Union Elementary School, Ponchoolai village, Thally Union.

7.Mr.A.Kannan Kumar, learned Special Government Pleader who has taken notice on behalf of the respondent, on instructions, would submit that the respondent is ready and willing to consider the representation made by the petitioner.

8.Considering the submissions made by either sides, this Court deems it fit to direct the respondent to consider the representation made by the petitioner dated 04.04.2016 and pass appropriate orders on merits and in accordance with law, within a period of 15 days from the date of receipt of a copy of this order. Further, the respondent is directed to keep the post of the regular Headmaster vacant in Panchayat Union Elementary School, Ponchoolai village, Thally Union till the disposal of the petitioner's representation dated 04.04.2016.

9.The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director of Elementary Education
D.P.I Campus
College Road, Chennai.
- 2.The District Elementary Educational Officer
Krishnagiri District.
- 3.The Assistant Elementary Educational Officer
Thally Panchayat Union
Krishnagiri District.

+lcc to M/s. Dakshayani Reddy, Advocate, S.R.No.35240
+lcc to the Government Pleader, S.R.No.35550

MG(CO)
EU(29/06/2016)

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