

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.23774 of 2016

S.Ramesh Kumar

... Petitioner

vs.

1. The Director
Adi Dravidar Welfare Department,
Chepauk, Chennai - 5.
 2. The District Adi Dravidar & Tribal Welfare Officer,
Erode District,
Erode.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records of the 1st respondent in Na.Ka.No.02/28957/2015, dated 22.06.2016 and quash the same, consequently directing the respondents to reserve one post of Tuitor cum Warden (B.T. Cadre) to the petitioner.

For Petitioner : Mr.P.Immanuel Prakasam
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

The petitioner has come up with this Writ Petition seeking to quash the proceedings of the 1st respondent vide Na.Ka.No.02/28957/2015, dated 22.06.2016 and for a consequential direction to the respondents to reserve one post of Tuitor cum Warden (B.T. Cadre) to him.

2. According to the petitioner, he possessed Bachelor of Literature in Tamil (B.Lit) and M.A. B.Ed. and appointed on 21.06.1999 as Physical Education Teacher at Government Tribal Residential Higher Secondary School, Aasanoor, Erode District and working there for the past 15 years in the very same place without any further promotion. In the promotion panel list for the post of B.T. Assistant, prepared by the 2nd respondent, the petitioner's name was arrayed as Sl.No.6. The grievance of the petitioner is that though he was appointed on 21.06.1999, his juniors were promoted as B.T. Assistants, but, he has not been promoted to the said post. As per the Guidelines, a Physical

Education Teacher is eligible to get promotion for the post of B.T. Assistant and as such, the petitioner claims that he is eligible to the said post, as he possesses B.Lit. (Tamil).

3. It is his further submission that the 2nd respondent sent a recommendation to the 1st respondent on 19.01.2016 stating that as on 01.03.2015, in Erode District, the post of Hostel Warden in (i) Government College, Students' Hostel (Boys), Erode, (ii) Government Students Hostel, Erode, (iii) Government Students Hostel, Gobi (iv) Government Students Hostel, Arachalur and (v) Government Students Hostel, Gurumandhur are not filled up and that Secondary Grade Teachers/Physical Education Teachers/Assistant Teachers, who are selected in the Panel list are eligible to be promoted to the post of BT Assistant.

4. On 19.01.2016, the 1st respondent conducted Counselling at Directorate of Adi Dravidar Welfare, Chepauk, Chennai 600 015 and the petitioner attended the said Promotion Counselling, but, he was not considered for promotion to the post of B.T. Assistant. Despite several representations to the respondents, since no orders were passed in his favour, the petitioner approached this Court by filing W.P.No.9039 of 2016 and this Court, by an order dated 10.03.2016, directed the 1st respondent to consider and pass orders in accordance with law on the basis of the written representation made on 29.01.2016, in the light of the recommendation made by the 2nd respondent in Na.Ka.No.3209/2015, thal, dated 19.01.2016 and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of the order.

5. As per the said order of this Court, the petitioner sent a representation along with a copy of this order on 04.04.2016 seeking promotion to the post of Tutor cum Warden (B.T. Cadre) and the same was rejected by an order dated 22.06.2016. Challenging the said order of rejection, the petitioner has come up with the present Writ Petition.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

7. At the time of admission, an interim order was passed by this Court on 12.07.2016 to the effect that any appointment made will be subject to the result of the Writ Petition.

8. Today, when the matter is taken up for hearing, learned Special Government Pleader, on instructions, submitted that the 1st respondent/Director, Adi Dravidar Welfare Department, Chepauk, Chennai vide Letter dated 19.09.2016 has written to the 2nd respondent/District Adi Dravidar & Tribal Welfare Officer,

Erode District, Erode as regards granting of promotion to the petitioner/S.Ramesh Kumar and that necessary orders will be passed with regard to his promotion.

17.11.2016

This matter is posted under the Caption "For being Mentioned " in pursuance to the order dated 17.11.2016 and made herein in presence of Mr.P.Immanuel Prakasam Advocate for the Petitioner and of Mr.K.Dhananjayan Special Government Pleader for the Respondents, the Court made the following Order:

The Writ Petition is listed under the caption "for being mentioned" today at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that in paragraph 9 of the order dated 17.11.2016 in W.P.No.23774 of 2016, this Court, while closing the Writ Petition, has recorded the submission of the learned Special Government Pleader that necessary orders will be passed by the respondents with regard to the petitioner's promotion. But, while recording such submission, there was no specific time limit fixed by this Court for the respondents to pass the orders.

3. Hence, paragraph 9 of the said order dated 17.11.2016 shall be deleted and the same shall be substituted as follows:

"9. The submission of the learned Special Government Pleader that necessary orders will be passed by the respondents with regard to the petitioner's promotion, is recorded. Consequently, the respondents are directed to pass necessary orders with regard to the petitioner's promotion, within a period of six weeks from the date of receipt of a copy of this order. The Writ Petition is accordingly disposed of. No costs. Consequently, connected W.M.P.No.20367 of 2016 and W.M.P.No.22629 of 2016 are also closed."

Sd/-
Assistant Registrar(CO)
dt:15/12/2016

//True Copy//

Sub Assistant Registrar

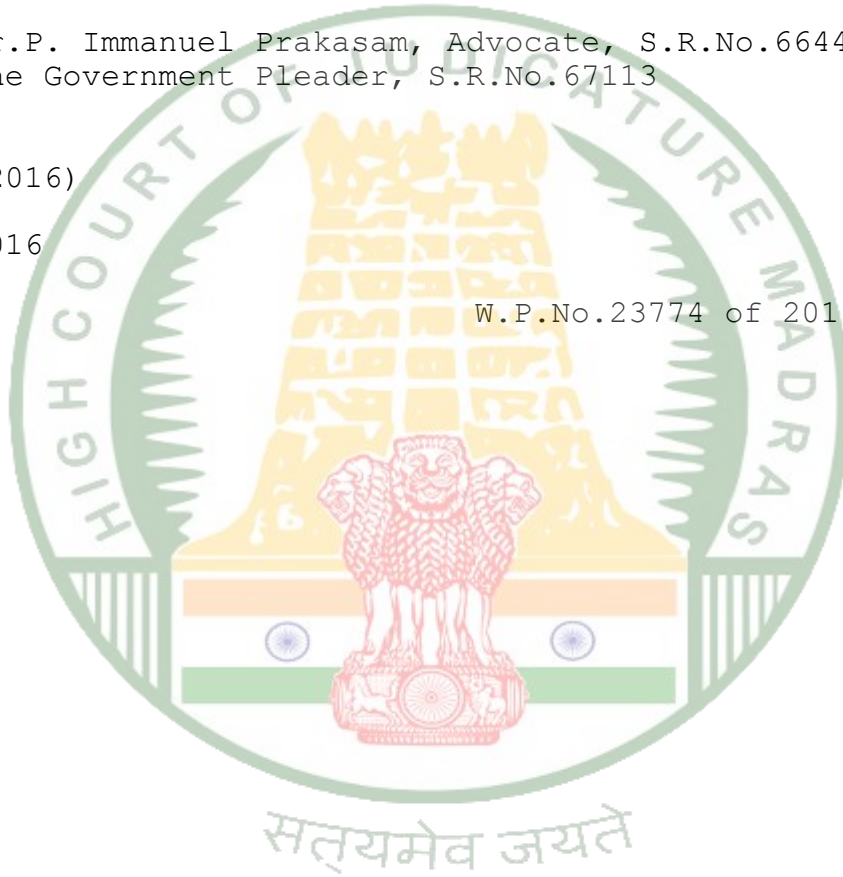
To:

1. The Director (To be Substituted order
Adi Dravidar Welfare Department, (already despatched on
Chepauk, Chennai - 5. (24/11/2016
2. The District Adi Dravidar & Tribal Welfare Officer,
Erode District,
Erode.

+lcc to Mr.P. Immanuel Prakasam, Advocate, S.R.No.66447
+lcc to the Government Pleader, S.R.No.67113

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W.P.No.23774 of 2016



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