

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.Nos.23784 and 23785 of 2016
and
W.M.P.Nos. 20378 to 20384 of 2016

1.Y.Udaya Baskar .. Petitioner in W.P.No.23784/2016
2.K.Babu .. Petitioner in W.P.No.23785/2016

Vs.

1.The Director of School Education
Chennai-600 006.

2.The Director of Elementary Education
Chennai-600 006.

3.The Joint Director of School Education (Personnel)
Chennai-600 006.

4.The District Elementary Educational Officer
Thiruvallur. .. Respondents 1 to 4 in both WPs.

5.The Assistant Elementary Educational Officer
Tiruttani.

6.The Additional Assistant Elementary Educational
Officer, Tiruttani, Thiruvallur District.
.. Respondents 5 & 6
in W.P.Nos.23784 of 2016

7.The Assistant Elementary Educational Officer
R.K.Pet, Thiruvallur District.

8.The Additional Assistant Elementary
Educational Officer
R.K.Pet, Thiruvallur District.
.. Respondents 5 & 6
in W.P.Nos.23785 of 2016

Writ Petition Nos. 23784 & 23785 of 2016: Writ Petitions filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, (1) Calling for the records relating to the orders in (1) Pro.Na.Ka.No. 06120/C2/E1/2016 dated 22.01.2016 of the third respondent and (2) Pro.Na.Ka.No. 48/A1/2016 dated 06.06.2016 of the 6th respondent quash the

order dated 22.01.2016 of the third respondent in so far as extending the applicability of the same to the panels for promotion as on 01.01.2016 as Crucial date quash the consequential order dated 06.06.2016 of the 6th respondent in so far as it relates to the petitioner to the limited extent of declaring him as not fit for promotion as Graduate Teacher (Science) and to issue consequential directions to the respondents to promote the petitioner as Graduate Teacher (Science) based on his Placement in the panel dated 2.2.2016 (as on 1.1.2016) for Tiruttani Union, Thiruvallur District, with retrospective effect from the date of promotion of his immediate junior with consequential benefits (in WP.23784 of 2016); and (2) Calling for the records relating to the orders in (1) Pro.Na.Ka.No. 06120/C2/E1/2016 dated 22.01.2016 of the 3rd respondent and (2) Pro.Na.Ka.No. 561 dated 03.06.2016 of the 5th respondent quash the order dated 22.01.2016 of the third respondent in so far as extending the applicability of the same to the panels for promotion as on 01.01.2016 as Crucial date and quash the consequential order dated 03.06.2016 of the 5th Respondents and issue consequential directions to the Respondents include the name of the Petitioner in the ensuing panel as on 01.01.2016 to be issued for promotion as Graduate Teacher (English) in R.K.Pet Union Thiruvallur District and consequently promote the Petitioner to the said post with retrospective effect from the date of promotion of his immediate junior with all consequential benefits (in WP.No.23785 of 2016) respectively.

For Petitioners : Mr.M.Ravi
in both WPs.
For Respondents : Mr.K.Rajendra Prasad
in both WPs. Government Advocate

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the admission stage itself.

2. These Writ Petitions are filed to issue Writ of Certiorarified Mandamus, to call for the records relating to the orders in (1) Pro.Na.Ka.No.06120/ C2/E1/2016, dated 22.01.2016 of the 3rd respondent and (2) Pro.Na.Ka.No.48/ A1/2016, dated 06.06.2016 of the 6th respondent insofar as the petitioner in W.P.No.23784 of 2016 is concerned and Pro.Na.Ka.No.561, dated 03.06.2016 of the 5th respondent insofar as the petitioner in W.P.No. 23785 of 2016 is concerned, quash the order dated 22.01.2016 of the 3rd respondent insofar as extending the applicability of the same to the panels for promotion as on 01.01.2016 as crucial date, quash the consequential order of the 6th respondent, dated 06.06.2016 insofar as it relates to the petitioner in W.P.No.23784 of 2016 to the limited extent of

declaring him as not fit for promotion as Graduate Teacher (Science) and quash the consequential order of the 5th respondent, dated 03.06.2016 insofar as the petitioner in W.P.No.23785 of 2016 is concerned and to issue consequential directions to the respondents to promote the petitioner in W.P.No. 23784 of 2016 as Graduate Teacher (Science) based on his placement in the panel dated 02.02.2016 (as on 01.01.2016) for Tituttani Union, Thiruvallur District, with retrospective effect from the date of promotion of his immediate junior with consequential benefits and to include the name of the petitioner in W.P.No.23785 of 2016 in the ensuing panel as on 01.01.2016 to be issued for promotion as Graduate Teacher (English) in R.K.Pet Union, Thiruvallur District and consequently to promote him to the said post with retrospective effect from the date of promotion of his immediate junior with all consequential benefits.

3. The petitioners' joined service as Secondary Grade Teacher in the years 2000 and 1991 respectively. They have satisfactorily completed the probation period. They completed their higher studies and became qualified and eligible for promotion as Graduate Teacher (Science) and (English) respectively as on 01.01.2016. Insofar as the petitioner in W.P.No.23784 of 2016 is concerned, his name was included at Sl.No.2 in the panel as on 01.01.2016 for promotion as Graduate Teacher (English). Insofar as the petitioner in W.P.No.23785 of 2016 is concerned, his name was not included in the panel as on 01.01.2016 and hence, he has made a representation on 05.05.2016 to include his name in the panel as on 01.01.2016. Subsequently, the 6th respondent by proceedings dated 06.06.2016 and the 5th respondent by proceedings dated 03.06.2016 informed the petitioners respectively that since, they have undergone two degree qualification in the same academic year, they are not eligible for promotion. Hence, these Writ Petitions have been filed seeking the relief stated supra.

4. Mr.M.Ravi, the learned counsel for the petitioners would bring to the notice of this Court that aggrieved against the impugned orders, the petitioners have already preferred an appeal before the 2nd respondent, on 13.06.2016 and 05.05.2016 respectively, and therefore, they are restricting their prayer and they would be satisfied, if the 2nd respondent is directed to consider and dispose of the appeals filed by the petitioners.

5. Mr.K.Rajendra Prasad, the learned Government Advocate, who takes notice on behalf of the respondents, would submit that the appeals may be directed to be considered by the 2nd respondent in accordance with law.

6. Considering the fact that the petitioners have restricted the relief sought for in these Writ Petitions, this

Court, without going into the merits of the claim made by the petitioners, directs the 2nd respondent to consider the appeals filed by the petitioners, on 13.06.2016 and 05.05.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

7. These Writ Petitions are disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

paa

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Director of School Education Chennai-600 006.
- 2.The Director of Elementary Education Chennai-600 006.
- 3.The Joint Director of School Education (Personnel) Chennai-600 006.
- 4.The District Elementary Educational Officer Thiruvallur.
- 5.The Assistant Elementary Educational Officer Tiruttani.
- 6.The Additional Assistant Elementary Educational Officer, Tiruttani, Thiruvallur District.
- 7.The Assistant Elementary Educational Officer R.K.Pet, Thiruvallur District.
- 8.The Additional Assistant Elementary Educational Officer R.K.Pet, Thiruvallur District.

+ 2 cc to Mr.M.Ravi Advocate SR 38900 and 38899

+ 1 cc to the Govt.Pleader SR 38983

gr(co)
prk19/7

WP.Nos.23784 and 23785 of 2016