

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.26989 of 2016

E.Francis Charles

.. Petitioner

Vs

1.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai 6.

2.The District Elementary Educational Officer,
Coimbatore, Coimbatore District.

3.The Assistant Elementary Educational Officer,
Valparai, Valparai Taluk,
Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the panel for the post of Assistant Elementary Educational Officer by considering the representation of the petitioner dated 18.07.2016.

For Petitioner : M/s.V.Kasinatha Bharathi

For Respondents : Mr.A.Kumar
Spl.Govt.Pleader.

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to include the name of the petitioner in the panel for promotion to the post of Assistant Elementary Educational Officer by considering the representation of the petitioner dated 18.07.2016.

2 .According to the petitioner, he was working as a Middle School Head Master in Waterfalls Estate, Valparai, Coimbatore District and promoted as a Middle School Head Master on 16.08.2002. The Management could not run the school and it was taken over by the Government during the year 2012. However, the seniority of the teaching staff has been ordered to be fixed from the date of joining in the promotion post. In spite of the same, the respondents did not fix the seniority of the petitioner properly and included his name in the panel for promotion to the post of Assistant Elementary Educational Officer. As per G.O.Ms.No.85 dated 15.04.2008, the absorption of the Aided School Teachers, their scale of pay, seniority and other benefits should be maintained by the District Elementary Educational Officer as exist prior to taking over of the management by the Government but the same has not been followed by the respondents.

3. The grievance of the petitioner is that a counseling is scheduled to be held on 04.08.2016 for promotion to the post of Assistant Educational officer. If the petitioner's original seniority is taken into account prior to taking over of the management by the Government as stated by him in 2006 his name would have been included in the panel and consequently he would have become eligible to participate in the promotion counselling, however, such an exercise has not been done by the respondents. The petitioner has also sent a representation to that effect to the respondents, however, no order has been passed thereon. Therefore, the petitioner has come up with this writ petition by contending that unless he is permitted to take part in the counseling, his promotional prospects will adversely be affected.

4. The learned Special Government Pleader would contend that the Government has taken over the school in the year 2012. The counseling is scheduled to take place tomorrow and at this stage, the petitioner has filed the present writ petition.

5. Taking into consideration of the fact that the representation dated 18.07.2016 of the petitioner is pending and the fact that counselling is scheduled to take place tomorrow, this Court feels that it is suffice to direct the respondents to consider the eligibility of the petitioner to participate in the counseling tomorrow by considering his representation dated 18.07.2016. It is made clear that this Court is not expressing any opinion as to the eligibility or otherwise of the petitioner

to participate in the counseling and it is left open to be decided by the respondents. Accordingly, the Writ Petition is disposed of. No costs. Connected WMP No. 23192 of 2016 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai 6.
- 2.The District Elementary Educational Officer,
Coimbatore, Coimbatore District.
- 3.The Assistant Elementary Educational Officer,
Valparai, Valparai Taluk,
Coimbatore District.

+lcc to Mr.V.Kasinatha Bharathi, Advocate Sr.43957
+lcc to the Government Pleader Sr.43992

WP No.26989 of 2016

mg[col]
srg 03/08/2016

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