

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.27275 of 2016
& W.M.P.No.23451 of 2016

P.Kalaiselvi

.. Petitioner

Vs.

- 1.Government of Tamilnadu,
Rep. by Principal 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,
Thiruppur District, Thiruppur.
- 4.The Asst. Elementary Educational Officer,
Kunndadam Panchayat Union,
Kunndadam, Thiruppur District.
- 5.The Addl. Asst. Elementary Educational Officer,
Kunndadam Panchayat Union,
Kunndadam, Thiruppur District.

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Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to fix the seniority of the petitioner in the post of Secondary Grade Teacher as per the date of regularization i.e., 19.07.2004 and as per the date of completion of period of probation i.e. 22.09.2006 in Kunndadam Panchayat Union for the year 2016 and promote the petitioner as Primary School Headmaster with service and monitory benefits.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.K.V.Dhanapal
Additional Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to fix the seniority of the petitioner in the post of Secondary Grade Teacher as per the date of regularization i.e., 19.07.2004 and as per the date of completion of period of probation i.e. 22.09.2006 in Kunnadadam Panchayat Union for the year 2016 and promote the petitioner as Primary School Headmaster with service and monitory benefits.

2.The petitioner joined service as Secondary Grade Teacher at Panachayat Union Primary School, Karur District on 19.07.2004. According to the petitioner, her services were regularised from 01.06.2006 but her probation period was declared as 31.05.2008. As per G.O.3D No.63, dated 13.04.2016, the fifth respondent by proceedings dated 28.06.2016 has regularised the petitioner's services from 19.07.2004 and declared her period of probation completed on 22.09.2006. Her seniority has to be counted from the date of regularisation. The seniority in the post of Secondary Grade Teacher is relevant criteria to the promotion to the post of Primary School Headmaster but she has not been included in the panel for promotion to the post of Primary School Headmaster. Hence, she made representation to the fourth respondent for promotion but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.R.Saseetharan, learned counsel for the petitioner would submit that the petitioner would be satisfied, if her representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.K.V.Dhanapal, learned Additional Government Pleader for the respondents has got no serious objection for directing the respondents to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents, to consider the representation of the petitioner, dated 01.08.2016 and pass appropriate orders, on merits and in accordance with law, within a period of one month 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 petitioner.

6.The Writ Petition is disposed of accordingly.
Consequently, connected Miscellaneous Petition is closed. No costs.

s/d
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

sri

To

- 1.The Principal Secretary,
Government of Tamilnadu,
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,
Thiruppur District, Thiruppur.
- 4.The Asst. Elementary Educational Officer,
Kunndadam Panchayat Union,
Kunndadam, Thiruppur District.
- 5.The Addl. Asst. Elementary Educational Officer,
Kunndadam Panchayat Union,
Kunndadam, Thiruppur District.

+ 1 cc to Mr.R.Saseetharan, Advocate SR 45392

+ 1 cc to Govt.Pleader SR 44860

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