

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

W.P.No. 27969 of 2016

V.Annamalai

.. Petitioner

Vs.

1.The District Elementary Educational Officer
Nagapattinam District
Nagapattinam.

2.The Secretary
National Higher Secondary School Committee
Nagapattinam-611 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to pass orders for granting approval of promotion of the petitioner to the post of Headmaster of National Higher Secondary School, Nagapattinam, based on the proposal forwarded by the 2nd respondent, dated 14.06.2016 with all consequential benefits, within a time frame to be fixed by this Court and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.G.Sankaran

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

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of to direct the respondents to pass orders for granting approval of promotion of the petitioner to the post of Headmaster of National Higher Secondary School, Nagapattinam, based on the proposal forwarded by the 2nd respondent, dated 14.06.2016 with all consequential benefits, within a time frame.

3. The petitioner was initially appointed as P.G.Assistant in TUNSV Higher Secondary School, Virudhunagar District, on 04.06.1986. He was transferred to National Higher Secondary School, Nagoor on 31.05.1996. A vacancy to the post of Higher Secondary School Headmaster arose due to retirement of incumbent R.Vijayaraj on 31.05.2016. The petitioner participated in the written examination and interview conducted on 29.05.2016 and he was selected and promoted to the post of Higher Secondary School Headmaster on 01.06.2016. A proposal was forwarded to the 1st respondent for approval of promotion. The petitioner has made a representation to the 1st respondent on 28.07.2016 seeking for approval. Since, the same was not considered so far, the petitioner has filed the present Writ Petition.

4. Mr.G.Sankaran, the learned counsel for the petitioner would submit that as per seniority as well as on merit, the petitioner is the person eligible for promotion and rightly, he was promoted to the post of Higher Secondary School Headmaster, and consequent to that, the School has forwarded a proposal to the 1st respondent seeking for approval. Subsequently, a clarification was called for by the 1st respondent and the same was also duly submitted by the School on 28.07.2016. He would further add that since, the petitioner is going to retire on 28.02.2017, he seeks for the early disposal of his representation, dated 28.07.2016.

5. Mr.K.V.Dhanapalan, the learned Additional Government Pleader, who took notice on behalf of the respondents would firstly submit that the clarification was given by the School only on 28.07.2016 and within ten days, viz., on 09.08.2016, the petitioner has rushed to this Court for a mandamus. Secondly, there was an objection made against the promotion given to the petitioner by another P.G.Assistant Teacher, by name, M.Mutamil Anandan, and that was also to be taken into consideration and thereafter, appropriate orders will be passed, on merits and in accordance with law.

6. Taking into consideration that the petitioner has restricted the relief sought for in the Writ Petition, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the representation of the petitioner, dated 28.07.2016, and pass appropriate orders, on merits and in the light of the proposal forwarded by the School to the 1st respondent seeking for approval, including the clarification given by the School, as expeditiously as possible, as the petitioner is going to retire on 28.02.2017, after affording sufficient opportunity to all the parties concerned. It is made clear that this

Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

paa

To

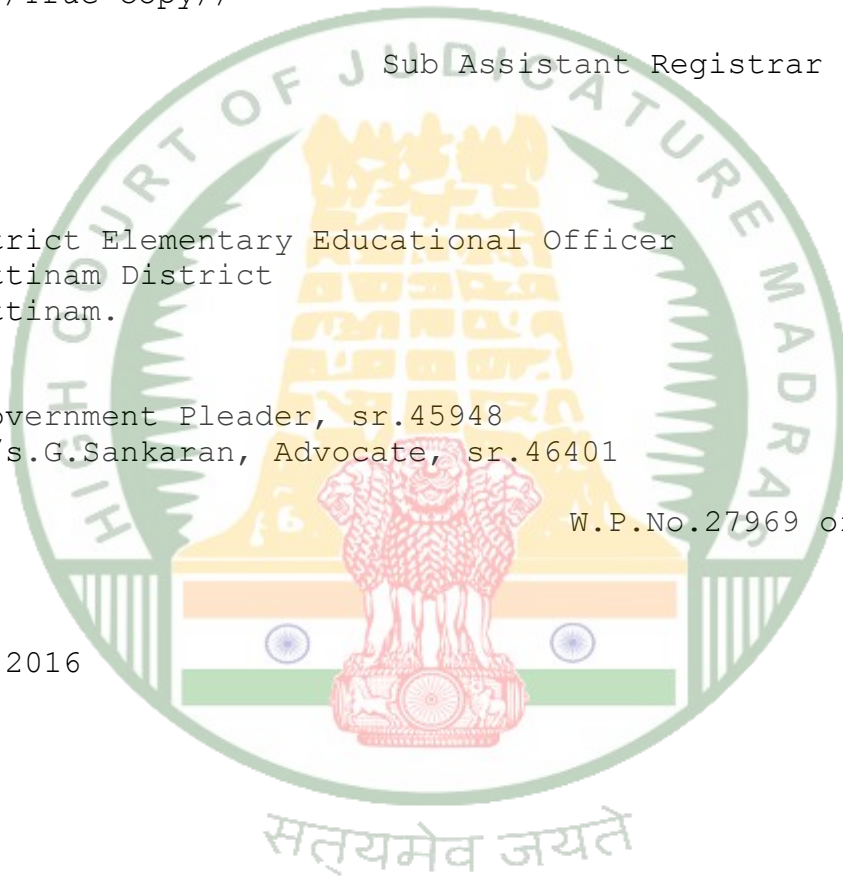
1.The District Elementary Educational Officer
Nagapattinam District
Nagapattinam.

1 cc to Government Pleader, sr.45948

1 cc to M/s.G.Sankaran, Advocate, sr.46401

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