

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.29245 of 2016
& W.M.P.Nos.25282 25283 of 2016

R.Gunasekar

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006. .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.14626/C1/E/2011 dated 21.04.2011 and to quash the same and consequently to direct the respondents to promote the petitioner to the post of High School Headmaster by treating the application dated 05.10.2009 submitted by the petitioner as one for temporary relinquishment with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.Dig Vijay Pandian
Additional Government Pleader

O R D E R

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

2.This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent dated 21.04.2011 and to quash the same and consequently direct the respondents to promote the petitioner to the post of High School Headmaster by treating the application dated 05.10.2009 submitted by the petitioner as one for temporary relinquishment with all consequential and other attendant benefits.

3.The petitioner joined service as B.T. Assistant in the year 1989 and promoted as P.G. Assistant on 09.07.2008 and further promoted as High School Headmaster on 03.07.2009 in Government High School, Elangiri, Cheyyar Taluk. Thereafter, he made representation on 05.10.2009 to the second respondent requested to be posted in the post of P.G. Assistant in the existing vacancy at Ranipet Government Higher Secondary School and accordingly, the second respondent issued orders dated 20.10.2009 accepting his relinquishment, as if it is a permanent relinquishment and he was posted in the same school on 04.11.2009. Again, the petitioner submitted representation to the second respondent on 06.12.2010 to modify the same as temporary relinquishment for a period of three years and to enable him to avail the promotion to the post of High School Headmaster after the period of three years based on his seniority and the same has been rejected. The petitioner has got no other alternative except to approach this Court to quash the impugned order dated 21.04.2011 and consequently direct the respondents to promote the petitioner to the post of High School Headmaster by treating the application dated 05.10.2009 as one for temporary relinquishment with all consequential and other attendant benefits and hence, the Writ Petition has been filed.

4.The Writ Petition has been filed by a Government servant, who is challenging the order dated 21.04.2011 merely after 5 years on the ground that he has made a representation for relaxation of three years. It is seen in the typed set of papers that the representation of the petitioner is undated though it is now contended that it was sent wayback in the year 2011 but there is no acknowledgement for it. The Government servant, who slept over a matter for 5 years stating that he made representation 5 years ago without acknowledgement seeking relaxation cannot be accepted at this stage.

5.In such circumstances, I do not find any reason to interfere with the order passed by the second respondent and hence, this petition is deserves to be dismissed. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

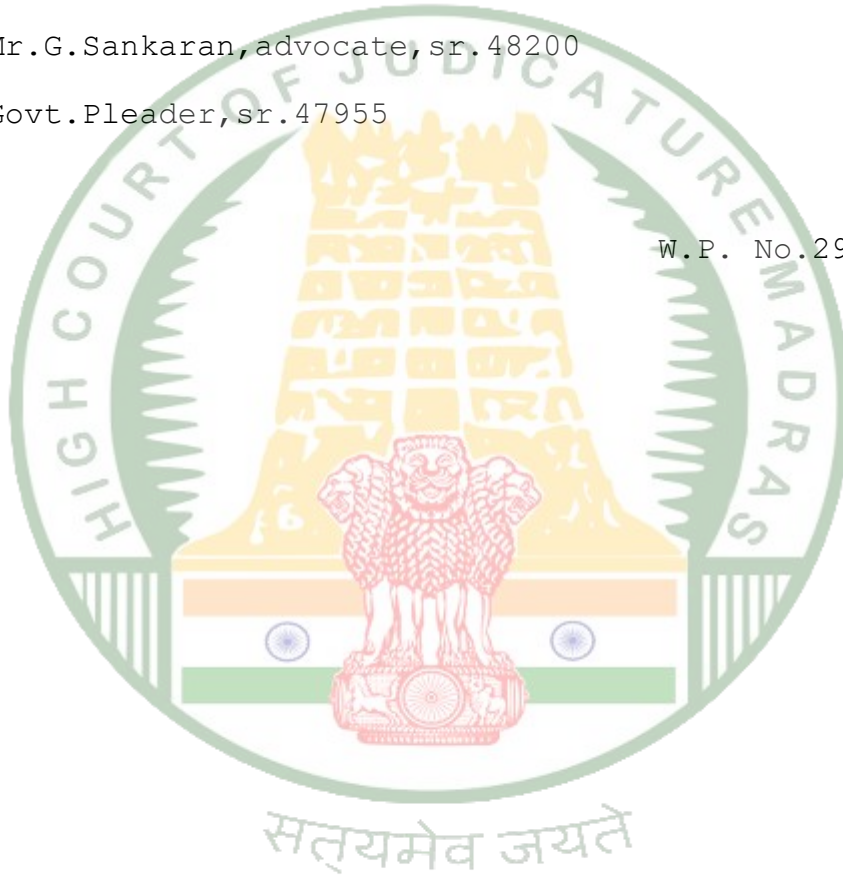
2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

+1 cc to Mr.G.Sankaran,advocate,sr.48200

+1 cc to Govt.Pleader,sr.47955

ev(co)
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