

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No. 34179 of 2016

and W.M.P.No.29492 of 2016

J.Malarkodi

... Petitioner

vs.

1.The District Elementary Educational Officer,
Villupuram,
Villupuram District.

2. The Assistant Additional Elementary
Educational Officer,
Thirunavalur Union,
Villupuram District

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to include the name of the petitioner in the panel for the year 2016 and for promotion to the post of B.T. Assistant (English) and consequently promote the petitioner to the post of B.T. Assistant (English) in any ensuing vacancy by considering the representation submitted by the petitioner dated 09.06.2016.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.Zakir Hussain,
Govt. Advocate.

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ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to include the name of the petitioner in the panel for the year 2016 and for promotion to the post of B.T. Assistant (English) and

consequently promote the petitioner to the post of B.T. Assistant (English) in any ensuing vacancy by considering the representation submitted by the petitioner dated 09.06.2016.

3. It is the case of the petitioner that She was appointed as Secondary Grade Teacher in Elementary Education on 29.02.2000 in Thirunavalur Union, Villupuram District and promoted as Headmaster on 29.06.2012. Subsequently, she has completed qualification of B.A English in the year 2014 and B.Ed and thereby she is eligible for promotion to the post of B.T. Assistant (English).

4. As per Special Rules for Tamil Nadu Elementary Education Subordinate Services notified in G.O.Ms.No.1383 School Education Department dated 1988, each Panchayat Union shall be unit for promotion. Accordingly, the panel for promotion to each category of post will be prepared every year in each union. The fundamental Rule 26 clearly state that the relevant qualification shall be deemed to have been acquired on the day of the last day of the examination and not the actual date of publication of results. Since the petitioner has completed B.A. English degree in November 2014 itself, she ought to have been included even in the panel for the year 2015, whereas her name was not included in the panel for the year 2015 due to belated receipt of provisional degree certificate.

5. The respondent proceeded to prepare the panel for the post of B.T.Assistant (English) for the year 2016 as on 01.01.2016 without including her name in the panel. Hence, the petitioner submitted a representation dated 09.06.2016 to the 1st respondent seeking to include her name in the panel for promotion to the post of B.T. Assistant (English) for the year 2016, but, the same was not considered. Hence the petitioner has come forward with the present Writ Petition.

6. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

7. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going to the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner dated 09.06.2016 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ

petition is disposed of accordingly. No costs. Consequently,
connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

mrp

To

1.The District Elementary Educational Officer,
Villupuram,
Villupuram District.

2. The Assistant Additional Elementary
Educational Officer,
Thirunavalur Union,
Villupuram District

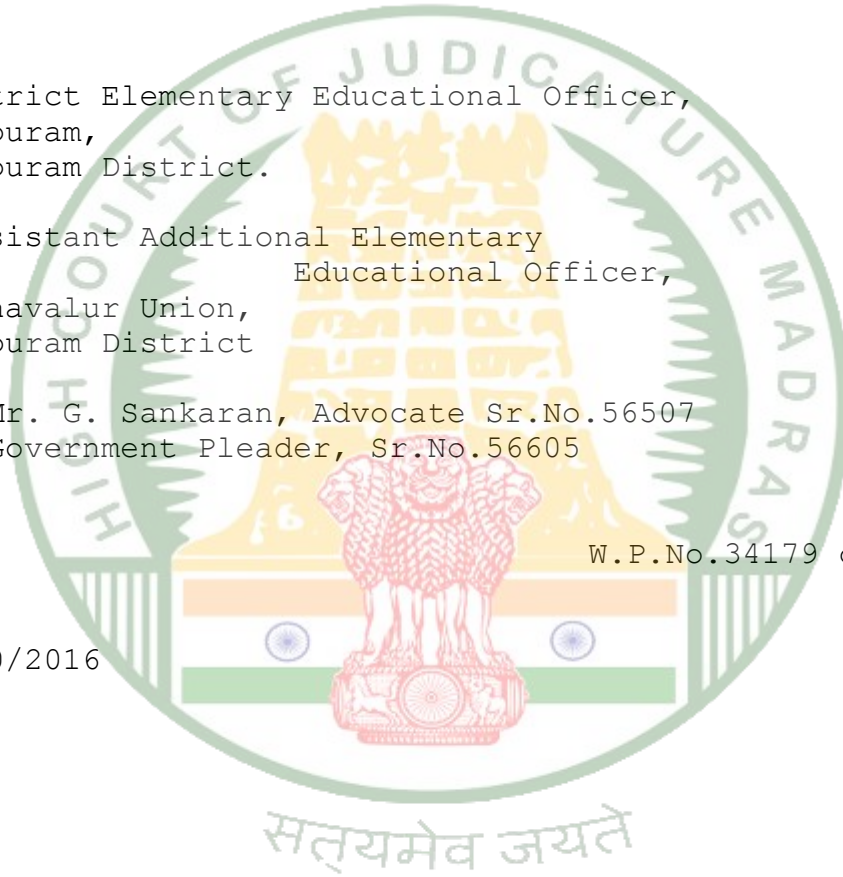
+1 CC to Mr. G. Sankaran, Advocate Sr.No.56507

+1 CC to Government Pleader, Sr.No.56605

W.P.No.34179 of 2016

TRM (CO)

MD : 07/10/2016



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