

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.36840 and 36841 of 2016

WMP.Nos.31658 and 31659 of 2016

F.Lawrence

.. Petitioner in
W.P.No.36840/2016

D.Melchior Arockiasamy

.. Petitioner in
W.P.No.36841/2016

vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

2.The District Elementary Educational Officer,
Krishnagiri District.

3.The Assistant Elementary Educational Officer,
Thally Panchayat Union,
Krishnagiri District.

.. Respondents in both W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to include the petitioners in the panel for promotion to the post of Middle School Headmaster prepared as on 01.01.2016 by considering the relinquishment of the petitioners' promotion to the post of Middle School Headmaster for a period of three years as on 01.01.2013, 01.01.2014 and 01.01.2015.

For Petitioner : M/s.Dakshayani Reddy
in both W.Ps.

For Respondents : Mr.O.R.Mahesvaran,
Government Advocate (Education)

COMMON ORDER

These Writ Petitions have been filed praying for issuance of a Writ of Mandamus directing the respondents to include the petitioners in the panel for promotion to the post of Middle School Headmaster prepared as on 01.01.2016 by considering the relinquishment of the petitioners' promotion to the post of Middle School Headmaster for a period of three years as on 01.01.2013, 01.01.2014 and 01.01.2015.

2. The petitioners were originally appointed as Secondary Grade Teachers on 12.11.1999 and 18.11.1999 respectively in the Thally Panchayat Union and had rendered unblemished service. The petitioners are at present working as Elementary School Headmaster in the Panchayat Union Primary School at Kamarajapuram and Soppukuttai respectively, Thally block with effect from 13.10.2005. The petitioners were eligible for inclusion in the panel for promotion to the post of Middle School Headmaster on the basis of seniority in the year 2013 i.e., the petitioners were eligible for inclusion in the panel for promotion which was prepared as on 01.01.2013 which is the crucial date for the purposes of preparation of panel for promotion. The petitioners' names were also included in the panel which was prepared as on 01.01.2013 and was placed at Sl.Nos.28 and 29 respectively in the seniority list. The petitioners relinquished the promotion as on 01.01.2013 for certain reasons and so far as the petitioners' relinquishments are concerned, as per Service Rules, the same dis-entitle the petitioners names to be included in the panel for promotion for a period of three years viz., 01.01.2013, 01.01.2014 and 01.01.2015 and therefore, the petitioners are entitled for inclusion in the panel which is prepared as on 01.01.2016. The panel for the year 2013 i.e., 01.01.2013 was only prepared in the year 2014 and therefore, the petitioners relinquished the promotion as on 22.02.2014. Now the respondents have prepared the panel for promotion as on 01.01.2016 and the petitioners' names are not included and in the remarks column it is stated that the petitioners have relinquished the promotion on 22.02.2014. When the petitioners approached the respondents, they were informed that since the petitioners have relinquished only on 22.02.2014, three years period will only fall in the year 2017 and till that time, the petitioner cannot seek inclusion in the panel. Hence, the petitioners have come forward with these writ petitions.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioners relied on a Single Bench decision of this Court dated 15.03.2012 made in W.P.(MD). No.2649 of 2011 [N.Murali and another v. The Principal Secretary, Commissioner of Treasuries and Accounts, Chennai-600 015 and another], wherein this Court in an identical situation has set aside the impugned order and directed the respondents therein to consider the names of the petitioners therein for inclusion in the promotion panel and pass fresh orders. Thus, the learned counsel appearing for the petitioners submitted that the petitioners are prepared to give a representation to the respondents, if a direction is given by this Court to the respondents to consider their representation.

4. In view of the submission made by the learned counsel for the petitioners, this Court permits the petitioners to submit a fresh representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, is directed to consider the names of the petitioners for inclusion in the panel for promotion to the Post of Middle School Headmaster prepared as on 01.01.2016 by considering the relinquishment of the petitioners for promotion to the post of Middle School Headmaster for a period of three years as on 01.01.2013, 01.01.2014 and 01.01.2015 and also in the light of the order dated 15.03.2012 made in W.P.(MD).No.2649 of 2011 and pass fresh orders within a period of three weeks thereafter.

5. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
 - 2.The District Elementary Educational Officer,
Krishnagiri District.
 - 3.The Assistant Elementary Educational Officer,
Thally Panchayat Union,
Krishnagiri District.
- +2 ccs to Mr.Dakshayani Reddy Advocate sr 62410

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