

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37968 of 2016
and
W.M.P.No.32561 of 2016

R.Prasanna ... Petitioner

Vs.

1. The Chief Education Officer,
Thiruvannamalai District,
Thiruvannamalai.
 2. The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
 3. The Assistant Educational Officer,
Thiruvannamalai Taluk,
Thiruvannamalai District.
 4. The Head Master,
The Panchayat Union Primary School,
Thenmathur, Thiruvannamalai Union,
Thiruvannamalai District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner in the existing vacancy or to give top priority in the upcoming vacancy list for B.T. Assistant (Maths) Teacher at Thiruvannamalai Union, based upon the petitioner's representation.

For Petitioner : Mr.R.Selvakodi
For Respondents : Mr.K.Dhananjayan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner in the existing vacancy or to give top priority in the upcoming vacancy list for B.T. Assistant (Maths) Teacher at Thiruvannamalai Union, based upon the petitioner's representation.

2. It is the case of the petitioner that he was appointed as Secondary Grade Teacher on consolidated basis on 30.11.2005. He served as Secondary Grade Teacher from 01.06.2006 onwards on regular basis. He completed his Degree in B.Sc. (Maths) and also B.Ed. from Indira Gandhi National Open University by Distance Education, with proper approval of the Department. It is his further case that in B.T. Assistant (Maths) Teachers' Priority List from 01.01.2011, he is in the seniority list for filling up promotional vacancies of B.T. Assistant (Maths). As on 10.08.2010, there were ten vacancies for B.T. Assistant (Maths) teachers in Thiruvannamalai Union. In the months of August and September 2016, out of ten vacancies, 9 had been filled up by the Department on direct recruitment basis. In the said appointment, the guidelines of G.O.Ms.No.174, dated 15.09.2006 issued by the Education Department, have not been followed, as 50% of the vacancies should be filled up by direct recruitment and other 50% of the vacancies should be filled up following the seniority list of the qualified Secondary Grade Teachers. The representations stating his grievance, had been sent to the second and third respondents, but there was no response. Thereafter, the petitioner sent a detailed representation to the third respondent through the fourth respondent on 12.09.2016 requesting him to appoint him in any one of the existing vacancy of B.T. Assistant (Maths) Teacher, or if there is no existing vacancy in Thiruvannamalai Union, then place him on the top of the priority list for the upcoming vacancy for B.T. Assistant (Maths) Teachers in Thiruvannamalai Union. Since the said representation is still pending, the petitioner has come forward with this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the said representation of the petitioner, dated 12.09.2016 and pass appropriate orders by taking into account G.O.Ms.No.174, Education Department, dated 15.09.2006 and dispose of the said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same at the time of disposing of the said representation.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

Copy to

1. The Chief Education Officer,
Thiruvannamalai District,
Thiruvannamalai.
2. The District Educational Officer,
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4. The Head Master,
The Panchayat Union Primary School,
Thenmathur, Thiruvannamalai Union,
Thiruvannamalai District.

+1 cc to M/s.R.Selvakkudi, advocate,sr.62274

+1 cc to Government Pleader,sr.62493

nr(co)
krd 22/11

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सत्यमेव जयते

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