

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.38295 to 38297 of 2016

J.Alphonse Raj ... Petitioner in W.P.38295/2016
K.Kunhali ... Petitioner in W.P.38296/2016
C.K.Narayanan ... Petitioner in W.P.38297/2016

Vs.

- 1 The Secretary to Government
Education Department
Fort St. George, Secretariat,
Chennai - 600 009.
- 2 The Director of School Education
DPI Campus, College Road,
Chennai - 600 006.
- 3 The District Education Officer,
Gudalore, Nilgiri District.
... Respondents in all the W.Ps.

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to promote the petitioner as Junior Assistant notionally on par with his juniors (i.e. with effect from 1989 the date on which the petitioner juniors were promoted) in the light of the orders passed in W.P.No.13559 of 2006 dated 09.04.2012, by considering the petitioners representation dated 08.03.2016, 08.03.2016 and 10.03.2016 respectively, with all other service and monetary benefits.

For Petitioners : Mr.K.H.Ravikumar

For Respondents : Mr.V.Anandhamoorthy
Additional Government Advocate (Edn.)

C O M M O N O R D E R

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

2.The present writ petitions have been filed seeking Mandamus directing the respondents to promote the petitioner as Junior Assistant notionally on par with his juniors (i.e. with

effect from 1989 the date on which the petitioner juniors were promoted) in the light of the orders passed in W.P.No.13559 of 2006 dated 09.04.2012, by considering the petitioners representation dated 08.03.2016, 08.03.2016 and 10.03.2016 respectively, with all other service and monetary benefits.

3.The petitioners would state that they were appointed as Office Assistant by the Commissioner of Gudalur Panchayat vide proceedings dated 30.07.1974 and joined in the various Panchayat Union Schools. Their service was regularized by the Commissioner of Gudalur Panchayat vide proceedings dated 12.06.1977. Whiles, the Government has passed G.O.Ms.No.857, Education Department dated 23.05.1981 to absorb the Teachers who were working in the Panchayat Union School in the Education Department and in the process those persons working as Office Assistants in the Panchayat Union School including the petitioners were also absorbed in the Education Department without their consent.

4.The petitioners would further state that in the meanwhile, they became qualified to be appointed as Junior Assistant, but on the other hand they were promoted as Record Clerk and was subsequently, promoted as Lab Assistant. The petitioners in W.P.Nos.38295 and 38296 of 2016 were further promoted as Junior Assistants only when they were nearing the age of superannuation. Right from the year 1999, the petitioners were making representation to the Authority to include the petitioners name in the seniority list but the same was not done by the Authority. On the other hand the persons who have been appointed as Office Assistants in the year 1982 were promoted as Junior Assistants in the year 1989. Hence, the petitioners made representation seeking to promote the petitioners as Junior Assistant notionally on par with their juniors, but the same was not considered. Hence, these petitions.

5.Heard the submissions of the learned counsel appearing for the petitioners and the learned Additional Government Pleader (Edn.) who take notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the respondent to consider the representation of the petitioners dated 08.03.2016, 08.03.2016 and 10.03.2016 respectively, on merits and in accordance with law and in the light of the orders passed in W.P.No.13559 of 2006 dated 09.04.2012 and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

7.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioners and it is open to the respondents to decide the matter purely on merits.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1 The Secretary to Government
Education Department
Fort St. George, Secretariat,
Chennai - 600 009.

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

3 The District Education Officer,
Gudalore, Nilgiri District.

3 ccs to Mr.K.H. Ravikumar, Advocate, Sr. 62392 to 62394

1 cc to Government Pleader, Sr. 62819

सत्यमेव जयते

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RJ (CO)
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