

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.39672 of 2016

K.Suresh

.. Petitioner

Vs

- 1 The Director of School
Education DPI Buildings College Road
Chennai-6.
- 2 The Chief Educational
Officer Nagapattinam Nagapattinam District
- 3 The District Educational
Officer Nagapattinam Nagapattinam District
- 4 The Correspondent/ Secretary
National Higher Secondary School Nagoor-611
002 Nagapattinam District

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent Nos.1 to 3 herein to consider the representation made by the petitioner on 2.6.2016, 6.6.2016 and 15.6.2016 and pass appropriate orders within stipulated time period as may be fixed.

For Petitioner : Mr.T.Sundaravadanam
For Respondents : Mr.V.Anandamoorthy,
Addl. Govt. Pleader (Edn),
for R1 to R3

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 1 to 3 to consider the representations made by him on 2.6.2016, 6.6.2016 and 15.6.2016 and pass appropriate orders within a stipulated time fixed by this Court.

3. It is the case of the petitioner that he has possessed M.Phil and PG DIP in Yoga. He has been appointed in the third respondent aided school on 22.7.1996 as Physical Education Teacher and continued till 31.12.2010. On 1.1.2011, he was promoted as Physical Director Grade-II. Though has completed PG course in April 1994, he was not given promotion and his junior most person was considered for promotion. Unlike other courses, physical education course was deprived of and declined for promotion even after possessing necessary educational qualification in the subject level. Even though he has possessed the required qualification for the post of PG Assistant (Commerce) in the fourth respondent school, till date, he was not given promotion and the fourth respondent wantonly declined to give promotion to him and entertained the junior most PG candidate and has given promotion to him on 1.6.2016. In this regard, the petitioner made several representations to the officials concerned. But, the same was not considered so far. Finally, he has given a representation dated 15.6.2016 to the respondents 1 to 3. Since the same was also not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 to 3. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the fourth respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents 1 to 3 to consider the representation of the petitioner dated 15.6.2016 seeking promotion and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the fourth respondent school, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

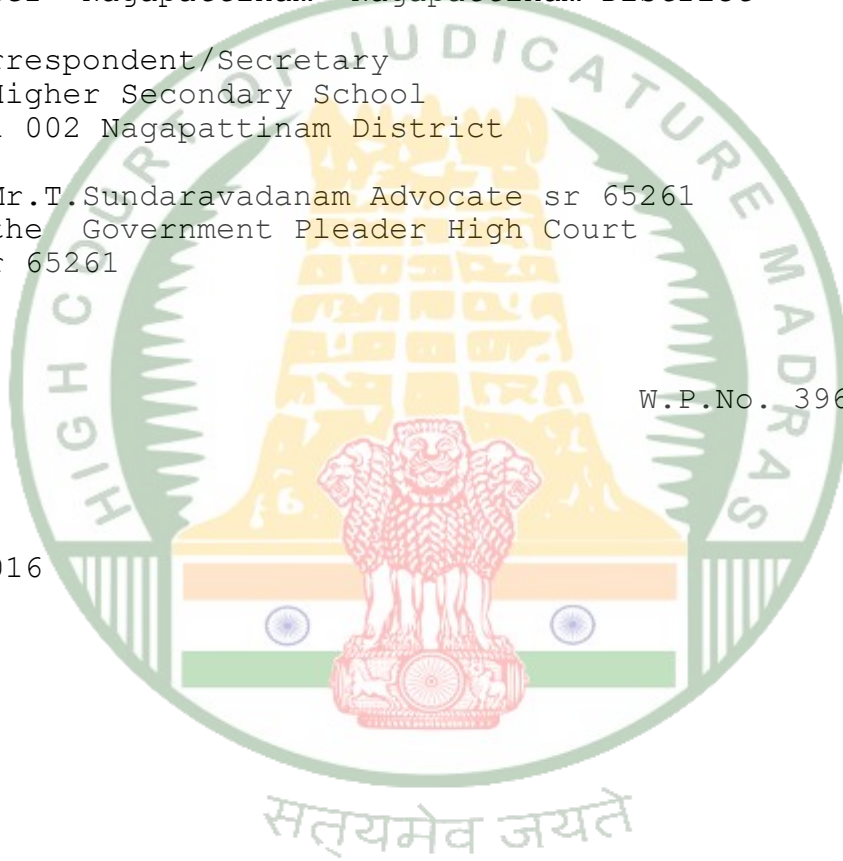
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To

- 1 The Director of School
Education DPI Buildings College Road
Chennai-6.
 - 2 The Chief Educational officer
Nagapattinam Nagapattinam District
 - 3 The District Educational
Officer Nagapattinam Nagapattinam District
 4. The Correspondent/Secretary
National Higher Secondary School
Nagoor-611 002 Nagapattinam District
- +1 cc to Mr.T.Sundaravadanam Advocate sr 65261
+1 cc to the Government Pleader High Court
Madras sr 65261

nmI (co)
aa15/12/2016

W.P.No.. 39672 of 2016



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