

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40340 of 2016

and W.M.P.No.34413 of 2016

T.Masilamani

.. Petitioner

Vs

1 State of Tamilnadu rep. by
The Secretary to Govt. Higher Education
Department Secretariat Chennai-9

2 The Director of Technical
Education Directorate of Technical
Education Guindy Chennai-25

3 The Additional Director of
Technical Education Directorate of
Technical Education Guindy Chennai-25

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to promote the petitioner to the post of Instructor or to the post of Lecturer with effect from the date of promotion given to other similarly situated candidates G.O.Ms.No.95 Higher Education (C1) Department dated 26.3.08 passed in pursuance of the order of the Honourable Division Bench in W.A.No.1323 of 2011 dated 2.11.2013 and G.O.(MS) No.121 Higher Education (C1) Department dated 1.4.11 passed in pursuance of the order of this Honourable High Court in W.A.No.807 of 2015 dated 19.6.2015 and also G.O.Ms. No.20 Higher Education Department dated 1.2.16 with all monetary and service benefits.

For Petitioner : Ms.M.Srividhya
For Respondents : Mr.V.Anandhamoorthy,
Addl. Govt. Pleader.

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 first respondent to promote him to the post of Instructor or to the post of Lecturer with effect from the date of promotion given to other similarly situated candidates G.O.Ms.No.95, Higher Education (C1) Department, dated 26.3.2008 passed in pursuance of the order of the Division Bench in W.A.No.1323 of 2011 dated 2.11.2013 and G.O.(MS) No.121, Higher Education (C1) Department, dated 1.4.11 passed in pursuance of the order of this Court in W.A.No.807 of 2015 dated 19.6.2015 and also G.O.Ms.No.20, Higher Education Department, dated 1.2.2016 with all monetary and service benefits.

3. It is the case of the petitioner that he was appointed to the post of Lab Assistant on 24.7.1987 through employment exchange. He has passed Diploma in Mechanical Engineering and now he is undergoing M.E. from 2014. After the abolition of the post of Instructor, there is no promotional chance to the candidates like that of the petitioner, as a result of which, there is a stagnation in their service. Hence, similarly placed persons like that of the petitioner approached this Court by filing writ petitions and pursuant to the order of this Court, the Government passed G.O.Ms.No.95, Higher Education (C1) Department, dated 26.3.2008, G.O.(MS) No.121, Higher Education (C1) Department, dated 1.4.11 and G.O.Ms.No.20, Higher Education Department, dated 1.2.2016 and they were given promotion. Since the petitioner is also similarly placed, he is also entitled for the same. In this regard, the petitioner sent a representation dated 24.3.2016 to the first respondent. Since the same was 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.

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 petitioner to send a copy of the representation dated 24.3.2016 along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking promotion to the post of Instructor or to the post of Lecturer and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.95, Higher Education (C1) Department, dated 26.3.2008, G.O.(MS) No.121, Higher Education (C1) Department, dated 1.4.11 and G.O.Ms.No.20, Higher Education Department, dated 1.2.2016, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Secretary to Govt. Higher Education
Department Secretariat Chennai-9
- 2 The Director of Technical
Education Directorate of Technical
Education Guindy Chennai-25
- 3 The Additional Director of
Technical Education Directorate of
Technical Education Guindy Chennai-25

+1cc to Mr.M. Srividhya, Advocate, S.R.No.66514
+1cc to the Government Pleader, S.R.No.67097

ak(CO)
md(10/12/2016)

W.P.No. 40340 of 2016