

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42080 of 2016

M.Shanmugam

... Petitioner

Vs.

1. The Director of Elementary
Education,
Chennai - 600 006.

2. The District Elementary
Educational Officer,
Tiruvallur.

3. The Assistant Elementary
Educational Officer,
Gummidipoondi,
Tiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forthwith empanel and promote the petitioner as B.T.Headmaster pursuant to the Petitioner placement in the Seniority List as on 01.01.2016 at Sl.No.1 therein, Gummidipoondi Union, Tiruvallur District, with consequential benefits.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.V.Anandha Moorthy,
Additional Govt. Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to forthwith empanel and promote the petitioner as B.T.Headmaster, pursuant to the placement in the Seniority List as on 01.01.2016 at Sl.No.1 therein, Gummidipoondi Union, Tiruvallur District, with consequential benefits.

3. The case of the petitioner is that he joined the service as Secondary Grade Teacher on 03.10.1996 in the Panchayat Union Elementary School, Eluvapalli, Soolagiri Union, Dharmapuri District, having been sponsored by the District Employment Exchange, Krishnagiri and as per the Notification of the District Elementary Educational Officer, Dharmapuri, dated 27.09.1996. He was subsequently transferred to Gummidipoondi

Union in Tiruvallur District on 17.03.1997. Further, his probation was declared on 02.10.1998 AN and he was also promoted as Elementary School Head Master with effect from 12.08.2005. Now, the petitioner is serving as B.T.Assistant (Maths) with effect from 05.11.2007 in the Panchayat Union Middle School, Padirivedu West, Gummidipoondi Union, Tiruvallur District.

4. According to the petitioner, at the time of his appointment, he possessed B.Sc. Degree (Mathematics). Thereafter, he acquired B.Ed. Degree and M.Sc. Degree (Mathematics). As his mother tongue is Telugu, he has not undergone his studies in Tamil Medium and therefore, he appeared for the second language test conducted by the Tamil Nadu Public Service Commission in the month of November 1993 and passed the same.

5. Now, it is the grievance of the petitioner that though he is eligible for promotion to the Post of B.T.Headmaster, having possessed B.Sc. Degree (Maths), B.Ed. Degree and M.Sc. Degree (Maths), his name was not considered for promotion. In this regard, he made several representations to the respondents. Furthermore, in the seniority list of Graduate Teachers in Gummidipoondi Union, as on 01.01.2016 issued by the 3rd respondent on 25.01.2016, his name has been placed at Sl.No.1. However, he has not been promoted as B.T.Head Master. Thereafter, the petitioner made a representation dated 03.08.2016 to the respondents 2 and 3 requesting to give promotion to the post of B.T.Head Master. But, till date, there was no response on the said representation. Hence, the present writ petition has been filed.

6. In support of his contention, the petitioner also relied upon the Judgment of this Court dated 29.06.2012, passed in W.P.Nos.1416, 11340, 21370 and 21380 of 2011, wherein, it was held that if teachers pass the second class language test in Tamil as per the General Rules, even if they are teaching general subjects, their claim for inclusion of their names in the promotion panel would be justified and therefore, the petitioner would also seek the same relief.

7. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who take notice for the respondents.

8. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the petitioner to give fresh representation to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider the claim of the petitioner, in the light of the Judgment of

this Court as stated above, and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

9. The writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.35593 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Director of Elementary
Education,
Chennai - 600 006.

2. The District Elementary
Educational Officer,
Tiruvallur.

3. The Assistant Elementary
Educational Officer,
Gummidipoondi,
Tiruvallur District.

+1 cc to M/s.M.Ravi Advocate sr 71103

+1 cc to the Government Pleader sr 71250

W.P.No.42080 of 2016

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aa07/12/2016

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