

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43142 of 2016

M.Samuel

.. Petitioner

Vs

1. The Director,  
School Education,  
O/o the Directorate of School Education,  
College Road,  
Chennai - 600 006.

2. The Joint Director,  
School Education,  
O/o Directorate of School Education,  
College Road,  
Chennai - 600 006.

3. The Chief Educational Officer,  
O/o. The Chief Educational Officer,  
Thiruvallur.

4. The Head Master  
Govt. High School,  
Kolur,  
Thiruvallur District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to include his name in proper place along with other eligible teachers in the list prepared as on 01.01.2016 and to promote him to the post of B.T. Assistant (Science) on par with his Juniors.

For Petitioner : Dr.R.Sampath Kumar

For Respondents : Mr.O.R.Maheswaran,  
Government Advocate (Education)

## ORDER

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner in the affidavit filed in support of the Writ Petition would aver among other things that he is having educational qualifications of B.Sc (Botany), M.PEd., Physical Education, M.Phil (in physical Education), M.A. (English and B.Ed Education and he was appointed as Physical Education Teacher through Teacher's Recruitment Board (TRB) and posted at Kolur Govt. High School, Thiruvallur District and he joined the said school on 24.11.2012 forenoon. The probation period was for two years from the date of joining and the petitioner had completed the same on 23.11.2014 and as such a declaration should have been declared by the 3<sup>rd</sup> respondent on 23.11.2014 itself but it was not done till 02.02.2016. The successful completion of the probation period of the petitioner has not been declared and he further claims that the name of the petitioner was not included in the panel for promotion to the post of B.T. Assistant (Science), prepared as on 01.01.2016.

3. The petitioner would further aver that on 01.01.2016 the 3<sup>rd</sup> respondent had sent a Circular to all the schools vide Na.Ka.No.794/M5/2016, dated January 2012 to send a list of eligible teachers for the promotion of B.T.Assistant (Science) from the cadre of secondary grade teachers and physical educational teachers. The name of the petitioner has been omitted by the 4<sup>th</sup> respondent and a certificate was issued and forwarded to the 3<sup>rd</sup> respondent, wherein it is stated that "No eligible teacher is left out". In coming to know about the same, the petitioner has given a representation to the 4<sup>th</sup> respondent, as his probation period was already over by 23.11.2014 in which he had reminded the authority to take proper action. But the 4<sup>th</sup> respondent had forwarded the particulars of the petitioner only on 06.01.2016 and as a consequence the petitioner had lost the opportunity for participating in the selection process for promotion to the post of Graduate Teacher. The petitioner would further state that due to belated declaration of his probation, his name was not considered to be included in the list of eligible candidate as on 01.01.2016 and as a consequence, his promotional opportunity was denied and hence come forward to file this Writ Petition.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to the Judgment in A.Gomathi Selvam Vs. The Director of School Education, Chennai reported in CDJ 2015 MHC 5473 and would further state that the right of the petitioner for the promotion to the post B.T.Assistant (Science) has been prejudiced due to the mistake caused by the respondents and prays for appropriate orders.

5. Heard the submissions of Mr.O.R.Maheswaran, learned Government Advocate (Education), who accepts notice on behalf of the respondents

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same directs the second respondent to consider the representation of the petitioner dated 13.10.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this Order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Director,  
School Education,  
O/o the Directorate of School Education,  
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3. The Chief Educational Officer,  
O/o. The Chief Educational Officer,  
Thiruvallur.

+1cc to Mr.R. Sampath kumar, Advocate, S.R.No.73122

nri(CO)  
md(04/01/2017)

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