

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.9666 of 2016

and

WMP.Nos.8674 and 8675 of 2016

S.Nachimuthu

.. Petitioner

Vs

1. Govt.of Tamil Nadu
Rep.by its Secretary
Higher Education Department
Chennai -9

2. Director of Collegiate Education
College Road, Chennai - 6

3. Joint Director of Collegiate Education
Coimbatore Region,
Race Course Road, Coimbatore.

4. R.Kalavathy

5. K.Yuvaraj

6. P.Angammal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for records pertaining to the proceedings Na.Ka.No.8051/B3/2016 dated 26.02.2016 issued by the 2nd respondent and the consequential proceedings Na.Ka.No.8051/B3/2015 dated 03.03.2016 issued by the 2nd respondent, quash the same in so far as respondents 4,5,6 (Who are placed in Sl.No.6,20,21) in the impugned proceedings Na.Ka.No.8051/B3/2016 dated 26.02.2016 are concerned and direct the 2nd respondent to include the name of petitioner in the revised seniority and consider him for promotion as Superintendent in accordance with law.

For petitioner : Mr.R.Subramanian

For respondents: Mr.A.Kumar

1 to 3

Special Government Pleader

O R D E R

The writ petition has been filed by S.Nachimuthu, seeking to quash the proceedings of the second respondent dated 26.02.2016

and 03.03.2016 and consequently direct the second respondent to include his name in the revised seniority and consider him for promotion as Superintendent in accordance with law.

2. Heard Mr.R.Subramanian, learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, takes notice on behalf of respondents 1 to 3 and with their consent, the writ petition is taken up for disposal at the admission stage.

3. The petitioner, who was appointed as Junior Assistant on compassionate grounds on 16.11.1990, was promoted to the post of Assistant on 10.10.2012. In the year 2013, when several vacancies arose for the post of Superintendent, the first respondent published seniority list vide proceedings dated 15.10.2013 in Na.Ka.No.38456/B3/2013 in which the petitioner was placed as Sl.No.12 and the respondents 4, 5 and 6 were placed as Sl.Nos.17, 21, 22 whereas in the seniority list prepared by the second respondent for the post of Superintendent, which was published on 11.2.2016, the petitioner's name has not been included. Therefore, the petitioner submitted a detailed representation dated 15.2.2016 to the second and third respondent but without considering the same, the first respondent issued proceedings dated 26.02.2016 and 03.03.2016, which are impugned in this writ petition.

4. Admittedly, the petitioner's name has been shown as Sl.No.12 in the seniority list of the Assistant working in Government Colleges, O/o, the Joint Director of Collegiate Education, which was published on 15.10.2013 whereas the respondents 4 to 6 were shown as Sl.No.17, 21 and 22 respectively. However, according to the petitioner, in the seniority list prepared for promotion to the post of Superintendent, the petitioner's name has not been included whereas ironically his juniors, namely, respondents 4 to 6 were included as Sl.Nos.6, 20, 21.

5. Since the petitioner's representation is pending consideration by the respondents 2 and 3, without considering the same by passing a speaking order, the respondents 1 to 3 cannot proceed further to fill up the rest of the vacancies. Therefore, this Court is of the view that ends of justice would be met if a direction is issued to the second respondent to dispose of the petitioner's representation dated 15.02.2016 on merits.

6. Accordingly, the writ petition is disposed of with a direction to the second respondent to dispose of the petitioner's representation dated 11.02.2016 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondents 1 to 3 are directed not to take any speedy steps in the matter of promotion

to the post of Superintendent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

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Sub Asst. Registrar

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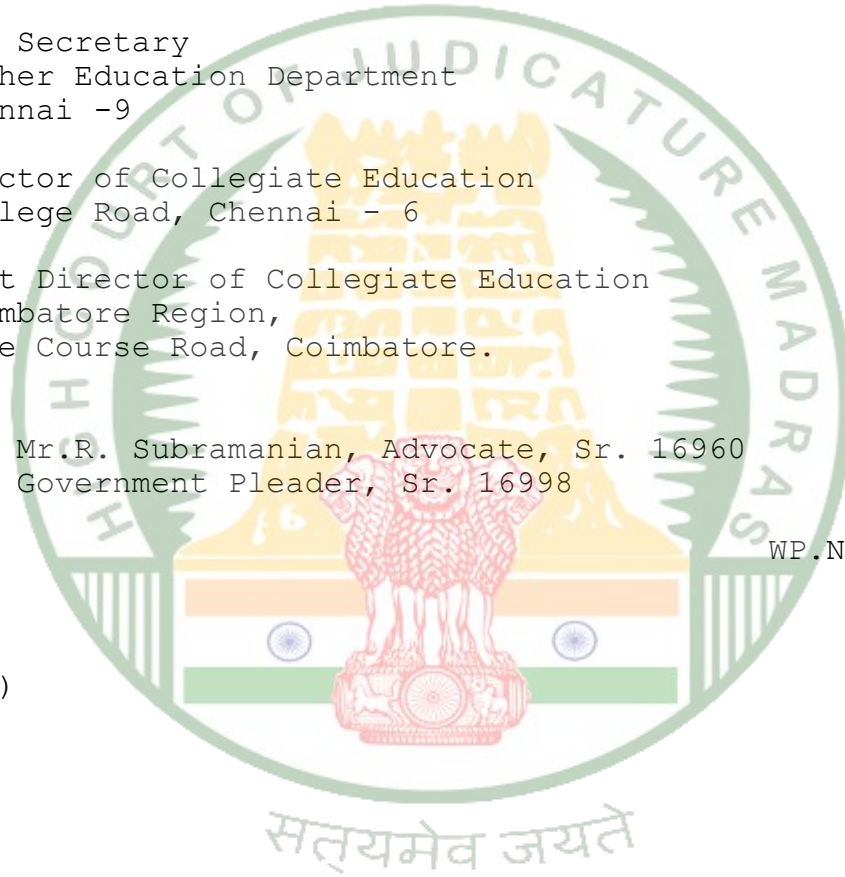
To

1. The Secretary
Higher Education Department
Chennai -9
2. Director of Collegiate Education
College Road, Chennai - 6
3. Joint Director of Collegiate Education
Coimbatore Region,
Race Course Road, Coimbatore.

1 cc to Mr.R. Subramanian, Advocate, Sr. 16960
1 cc to Government Pleader, Sr. 16998

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