



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) Nos.12093 and 12094 of 2016

and

W.M.P (MD) Nos.9224 to 9227 of 2016

Tmt.V.Ponnalagu .. Petitioner in W.P (MD) No.12093 of 2016

Tmt.D.Margaret .. Petitioner in W.P (MD) No.12094 of 2016
vs.

1. The Director of Adi Dravidar and
Tribal Welfare Department,
Cheapuk,
Chennai - 600 005.

2. The District Adi Dravidar and
Tribal Welfare Officer,
Madurai. .. Respondents in both the Writ Petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioners, based on the petitioners' seniority in the Post of Secondary Grade Teacher from 02.01.1998, for promotion to the Post of B.T. Assistant or Headmaster of Primary School or Warden of ADW College Girls Hostel, within a time limit to be fixed by this Court.

For Petitioner :Mr.A.Thirumurthy for
M/s. Victory Associates

For Respondents :Mr.M.Murugan
Government Advocate

COMMON ORDER

Since the issue raised in both the Writ Petitions, is one and the same, they have been taken up together and disposed of by this common order.

2. The petitioners have filed these Writ Petitions, seeking for issuance of a Writ of Mandamus directing the respondents to consider the petitioners, based on the petitioners' seniority in the Post of Secondary Grade Teacher from 02.01.1998, for promotion to the Post of B.T. Assistant or Headmaster of Primary School or

Warden of ADW College Girls Hostel, within a stipulated time.

3. Mr.A.Thirumurthy, learned counsel for the petitioners submitted that both the petitioners were appointed as Secondary Grade Teachers on 02.01.1998 and their services were regularized on 02.01.1998 and their seniority in the cadre of Secondary Grade Teacher was fixed at 15 and 14 respectively. While so, the juniors to the petitioners, one Mr.M.Sankara Sabapathy, who was appointed as Secondary Grade Teacher on 28.10.1999 was promoted as B.T.Assistant(Maths), one Mr.C.M.Balachandar, who was appointed as Secondary Grade Teacher on 08.06.2000, was promoted as B.T.Assistant(English), one Mr.A.S.Ma.Suguna, who was appointed as Secondary Grade Teacher on 20.11.2006, was promoted as B.T.Assistant(Science) and one Mr.P.Balamurugan, who was appointed as Secondary Grade Teacher on 08.06.2000, was promoted as B.T.Assistant(Tamil).

4. The learned counsel for the petitioners further submitted that when the petitioners were not given promotion, their juniors should not have been given promotion on the basis of G.O.Ms.No.63 Adi Dravidar and Tribal Welfare Department, dated 01.04.1997.

5. Mr.M.Murugan, learned Government Advocate appearing for the respondents submitted that although said M.Sankarasabapathy, C.M.Balachandar, A.S.Ma.Suguna and P.Balamurugan, are juniors to the petitioners, when they were appointed as Secondary Grade Teachers, since there are no vacancies in the History subject, the petitioners were not given promotion. On the other hand, vacancy occurred in Mathematics, English, Science and Tamil subjects and depending upon the vacancies and considering the eligible candidates, the petitioners' juniors were promoted. Similarly, as and when vacancy arises in History subject in B.T.Assistant Post, the petitioners will also be accommodated. Adding further, the learned Government Advocate would submit that before a vacancy in the subject of History arises, if the petitioners are willing to accept the Post of Headmaster in the Primary School, the respondents will consider the same.

6. In reply, Mr.A.Thirumurthy, learned counsel for the petitioners readily agreeing to the said offer, drawing the notice of this Court to paragraph No.18 of the affidavit, submitted that the petitioners are prepared to accept the Post of Primary School Headmaster.

7. In view of the same, when the petitioners have come forward to accept the Post of Primary School Headmaster, the respondents are directed to consider the case of the petitioners for the Post of Primary School Headmaster in the forthcoming general counselling for promotion.



With the above direction, the Writ Petitions are disposed of.
No Costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The Director of Adi Dravidar and
Tribal Welfare Department,
Cheapuk, Chennai - 600 005.
2. The District Adi Dravidar and
Tribal Welfare Officer,
Madurai.

+2cc to M/s.A.Thirumoorthy, Advocate, Sr.No.36725

pm

JM/NGM-MP/SAR-I/18.07.2016/3P-5C

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