



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.14129 of 2016

N.Mallika

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Compound, College Road,
Nungampakkam, Chennai.

2.The District Elementary Educational Officer,
District Elementary Educational Office,
Dindigul, Dindigul District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent to give promotion to the petitioner from Secondary Grade Teacher to Graduate Assistant Teacher Maths as per the G.O.Ms.No.136 dated 20.05.1999 and refixing the pay scale as per the seniority and educational qualification of the petitioner based on the petitioners representation dated 14.08.2014.

For Petitioner : Mr.S.Karthick

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking for the issuance of a writ of mandamus to direct the respondents to promote the petitioner from the post of Secondary Grade Teacher to Graduate Assistant Teacher (Maths) as per G.O.Ms.No.136, dated 20.05.1999, and to refix the Pay Scale as per the seniority and educational qualification, on the basis of the petitioner's representation, dated 14.08.2014.

2.According to the petitioner, she was originally appointed as Secondary Grade Teacher on 12.06.1991 in Palani Adivaram Municipal Middle School. It is stated that she completed B.Sc.(Maths) in November 1993 and B.Ed degree (Maths) in May 1996 and therefore, she became eligible for promotion to the post of Graduate Teacher. In the
<https://hcservices.mca.gov.in/hcservices/> Ms.No.136, School Education Department, dated 20.05.1999, was issued, providing promotion to Secondary Grade Teachers, who completed general studies along with degree in



Education, as Graduate Teachers. In spite of the said Government Order, the case of the petitioner was not considered. However, after a long time, she was given promotion to the post of Graduate Teacher, on 18.12.2007 and she was further promoted as Middle School Headmaster, on 19.08.2015, after seven more years. It is her claim that the said Government Order has not been properly given effect to in her case. Therefore, learned counsel for the petitioner would contend that the respondents may be directed to apply the said Government Order in her case for getting notional promotion.

3. This Court is not able to find any merit in the submission made by the learned counsel for the petitioner for the reason that though the said Government Order was issued almost 17 years ago, there is no semblance of proof to show that the petitioner had given any representation either in 2000 or 2005 seeking implementation of the said Government Order in her favour. Secondly, at the time when the petitioner was given promotion to the post of Graduate Teacher on 18.12.2007, she has not accepted the said promotion under protest nor she made any claim that she should be given retrospective promotion by applying the said Government Order. Again, when she was given further promotion to the post of Middle School Headmaster on 19.08.2015, the petitioner has not given any representation stating that she should be given notional promotion to the post of Graduate Teacher on the basis of the said Government Order. Therefore, the petitioner cannot now canvass before this Court that she came to know about the issuance of the said Government Order, only in 2014, when the said Government Order was issued, almost 17 years ago. Hence, the prayer sought for in writ petition cannot be granted. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

sms

To

1. The Director of Elementary Education,
DPI Compound, College Road,
Nungampakkam, Chennai.
2. The District Elementary Educational Officer,
District Elementary Educational Office,
Dindigul, Dindigul District.

+1CC to Spl. Government Pleader Sr.No.42570
+1CC to Mr.B.Rajesh, Advocate Sr.No.42354

GJM/PV/2.9.16-2p-5c