



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016
CORAM

THE HONOURBLE MR.JUSTICE T.RAJA

WEB COPY

W.P (MD) . No.15142 of 2016
and
W.M.P. (MD) .No.11152 of 2016

S.Maria Lourdhu Jeyanthi ... Petitioner

Versus

- 1.The State of Tamil Nadu,
rep. By its Secretary,
Department of Elementary Education,
Fort St. George, Chennai - 09.
- 2.The Director of Elementary Education,
College Road, Chennai - 06.
- 3.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The Assistant Elementary Educational Officer,
Manur Union @ Rasta,
Tirunelveli District. ... Respondents

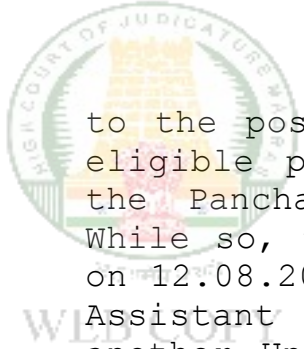
Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the third respondent herein to fill up the BT Assistant post in Panchayat Union Middle School, Pathinamperi, Manur Union by conducting necessary Promotion counseling as per the seniority list.

For petitioner : Mr.E.V.N.Siva for Mr.A.Ajith Geethan
For respondents : Mr.Aairam K.Selvakumar
Government Advocate

O R D E R

The petitioner has filed the present writ petition, seeking issuance of a writ of Mandamus, directing the third respondent to fill up the BT Assistant post in the Panchayat Union Middle School, Pathinamperi, Manur Union by conducting necessary Promotion counseling as per the Seniority List.

<https://hcservices.courts.gov.in/hcservices/>
2. The learned counsel for the petitioner would submit that the petitioner is shown against Serial No.1 in the Panel for promotion



to the post of BT Assistant (Mathematics), therefore, she is the eligible person to be promoted as BT Assistant (Mathematics) in the Panchayat Union Middle School, Pathinamperi, Manur Union. While so, the respondents, having fixed the promotional counseling on 12.08.2016, are attempting to fill up the abovesaid post of BT Assistant (Mathematics), by accommodating some other Teacher from another Union by way of transfer. Therefore, the petitioner has come before this Court.

3. It is an admitted case that the petitioner is shown as No.1 in the Panel for promotion to the post of BT Assistant (Mathematics). It is not known as to how she could be overlooked. In other words, she can file a writ petition only after a cause of action, viz., if she is overlooked Therefore, it is not a proper stage for the petitioner to come to this Court.

4. At this stage, learned counsel appearing for the petitioner seeks permission of this Court to withdraw this writ petition and he has also made an endorsement to that effect.

5. In view of the endorsement made by the learned counsel appearing for the petitioner, this Writ Petition is dismissed as withdrawn, however, with liberty to the petitioner to work out her remedy only after a cause of action. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

skn

To

1.The Principal Secretary, Department of Elementary Education,
Fort St. George, Chennai - 09.

2.The Director of Elementary Education, Chennai - 06.

3.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Manur Union @ Rasta, Tirunelveli District.

+1CC to Mr.A.Ajith Geethan, Advocate Sr.No.45666

GJM/CK/SAR-III-2.9.16-2p-6c

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