



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15189 of 2016
and W.M.P.(MD) No.11192 of 2016

E.Velayutham

.. Petitioner

vs.

1.The State of TamilNadu,
Represented by its 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,
Sivagangai, Sivagangai District.

4.The Assistant Elementary Educational Officer,
Manamadurai,
Manamadurai Union,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus thereby directing the respondents No.3 and 4 to consider the petitioner for promotion to the vacant post of B.T.Assistant (English) at Panchayat Union Middle School at Sannathipudukkulam, Manamadurai Union, Sivagangai District within the time stipulated by this Court.

For Petitioner

: Mr.S.Louis

For Respondents

: Mr.Aayiram K.Selvakumar
Government Advocate

ORDER

The petitioner, who is serving as the Secondary Grade Teacher in Panchayat Union Primary School, Vannikudi, Manamadurai Union, Sivagangai District, has come to this Court for issuance of



writ of mandamus directing the respondents 3 and 4 to consider the petitioner for promotion to the vacant post of B.T.Assistant (English) at Panchayat Union Middle School at Sannathipudukkulam, Manamadurai Union, Sivagangai District within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner. Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the respondents.

3. It is claimed by the petitioner that he has possessed requisite qualification for the Post of B.T.Assistant(English) and therefore, his name has been included in the panel of promotion for B.T.Assistant (English) as on 01.01.2016 and his name is shown at Serial No.2 in the panel for promotion. One Jeevasahayaraj shown at Serial No.1 for promotion to the post for B.T. Assistant has given a letter informing his unwillingness to serve in the promotional post and hence, the petitioner has to be considered as a senior most candidate for promotion.

4. The learned counsel for the petitioner submitted that the abovesaid facts are to be considered by the competent authority in Counselling for both Promotion and Transfer, which already started and hence, he sought for a direction from this Court.

5. Considering the submission of the learned counsel for the petitioner, the third respondent-the District Elementary Educational Officer, Sivagangai, is hereby directed to consider the case of the petitioner on merits for promotion to the vacant post of B.T.Assistant (English) at Panchayat Union Middle School at Sannathipudukkulam, Manamadurai Union, Sivagangai District.

6. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected W.M.P.(MD) No.11192 of 2016 is closed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To,

1.The State of TamilNadu,
Represented by its 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,
Sivagangai, Sivagangai District.

4.The Assistant Elementary Educational Officer,
Manamadurai,
Manamadurai Union,
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+1 cc to MR.T.LAJAPATHI ROY, Advocate Sr.No.48566

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SMA/AAL-MPA/07/09/2016 :3P/6C