



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

CORAM

THE HONOURBLE MR.JUSTICE T.RAJA

W.P(MD) . No.15296 of 2016

and

W.M.P. (MD) .Nos.11273 and 11274 of 2016

J.Joyce Caroline

... Petitioner

Versus

1.The District Elementary Educational Officer,
Madurai District,
R.M.S.Road,
Madurai - 625 001.

2.The Additional Assistant
Elementary Educational Officer,
Madurai West,
Anaiyur,
Madurai - 625 017.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation dated 10.08.2016 and also petitioner's present seniority at 1st place in the promotion panel for promotion to the post of B.T. Assistant (English) in Madurai West Panchayat Union as on 01.01.2016 and to promote and post the petitioner as B.T. Assistant in English by upgrading the existing vacancy of Secondary Grade Teacher as per the proceedings in Na.Ka.No.12118/T1/2011 dated 13.09.2011 of the Director of Elementary Education, Chennai.

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

For respondents : Mr.T.S.Md.Mohideen, A.G.P.,

O R D E R

The petitioner has filed the writ petition seeking for the issuance of a Writ of Mandamus, directing the 1st respondent to consider her representation, dated 10.08.2016, and also her representation in seniority at 1st place in the promotion panel for promotion to the post of B.T. Assistant (English) in Madurai West Panchayat Union as on 01.01.2016 and to promote and post the petitioner as



B.T. Assistant in English by upgrading the existing vacancy of Secondary Grade Teacher as per the proceedings in Na.Ka.No.12118/T1/2011, dated 13.09.2011, of the Director of Elementary Education, Chennai.

2. Mr.T.S.Md.Mohideen, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal.

3. It is stated that after the petitioner was appointed as Secondary Grade Teacher on 07.10.1996 in Gujiliamparai Panchayat Union, her service was regularized from 07.10.1996 and probation was also declared on 06.10.1996. She was transferred to Madurai West Panchayat Union on 25.06.2003 and, at present, she is working as Secondary Grade Teacher in Madurai West Panchayat Union Middle School at Milakaranai, Madurai. While so, based on the qualification/ B.A (English) and B.Ed., and seniority in the cadre of Secondary Grade Teacher in Madurai West Panchayat Union, one Mrs.A.Deisy was placed at Serial No.1 and the petitioner was placed at Serial No.2 in the promotion panel for promotion to the post of Graduate Teacher (B.T. Assistant/English) in Madurai West Panchayat Union. While so, Mrs.A.Deisy, Secondary Grade Teacher was promoted as Graduate Teacher (B.T. Assistant) in English and therefore, the petitioner now has become the senior-most person in the promotional panel to the post of Graduate Teacher (B.T. Assistant/English) in Madurai West Panchayat Union. While so, during the counseling held on 06.08.2016, one Mrs.Shabiya Begum, Secondary Grade Teacher, who worked in the Madurai West Panchayat Union Middle School at Kovilpappakudi, was promoted as Primary School Headmaster. Consequently, the post of Secondary Grade Teacher in the Madurai West Panchayat Union Middle School at Kovilpappakudi has become vacant.

4. It is further stated that the Government, by G.O.Ms.No.100, School Education Department, dated 27.06.2003, ordered that from 01.06.2003, whenever vacancies against Secondary Grade Teacher posts arise due to retirement, resignation, death etc., those posts shall be converted to accommodate B.Ed., Teachers only, who alone should be appointed for Standards VI to X to teach English, Science, Mathematics and History & Geography. It was further ordered therein that when permanent vacancies of Secondary Grade Teachers in Standard VI to VIII arise B.Ed., qualified Teachers shall be appointed in a phased manner and in the first phase, B.Ed., Teachers shall be appointed for Mathematics, Science and English Subjects. In such circumstances, the petitioner has made a representation on 10.08.2016 seeking promotion as Graduate Teacher (English) by upgrading, the permanent vacant post of Secondary Grade Teacher at Madurai West Panchayat Union Middle School at



5. The learned counsel appearing on behalf of the petitioner submitted that it would suffice if the representation of the petitioner is directed to be disposed of by the authorities in the light of the above said G.O.Ms.No.100, School Education Department, dated 27.06.2003.

WEB COPY

6. In view of the limited scope of the prayer, without expressing any opinion on the merits of the issue involved, the first respondent is directed to consider the representation of the petitioner, dated 10.08.2016, and pass appropriate orders in the light of the abovesaid G.O.Ms.No.100, School Education Department, dated 27.06.2003, as expeditiously as possible.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Elementary Educational Officer,
Madurai District,
R.M.S.Road,
Madurai - 625 001.

2.The Additional Assistant
Elementary Educational Officer,
Madurai West,
Anaiyur,
Madurai - 625 017.

+1cc to M/s.Victory Associates, Advocate SR.no.45521
+1cc to Special Government Pleader SR.No.45979

skn

sm:Sk-SKN:SAR III:19.08.2016:3P/5C

W.P(MD) . No.15296 of 2016
and

W.M.P. (MD) .Nos.11273 and 11274 of 2016
18.08.2016