

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 31.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA****W.P. (MD) No.16296 of 2016**

R.Thirumalaisamy

... Petitioner

-vs-

1. The Government of Tamil Nadu
represented by the Secretary to Government
School Education Department,
Secretariat,
Chennai 600 009.
2. The Director of Elementary Education,
College Road,
Chennai 600 006.
3. The District Elementary Educational Officer,
Dindigul,
Dindigul District.
4. The Assistant Elementary Educational Officer,
Batlagundu,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the third respondent to notionally promote the petitioner to the post of Headmaster of Elementary School on the strength of the petitioner's name included in the panel drawn as on 01.01.2008 for promotion as Head Master of Elementary School by an order dated 31.03.2008 of the third respondent and consequently pay the consequential monetary benefits by considering the petitioner's representation dated 22.07.2016 within the period that may be stipulated by this Court.

For Petitioner	:	Mr.C.Venkatesh Kumar for Ajmal Associates
For Respondents	:	Mr.Aayiram K.Selvakumar Government Advocate

**ORDER**

The petitioner Mr.R.Thirumalaisamy, although retired from service from the post of Special Grade Secondary Grade Teacher on 31.12.2008, has made a representation only on 22.07.2016, for giving promotion to him with retrospective effect. As the same has not been considered, he has filed this writ petition for a Mandamus, directing the third respondent to notionally promote him to the post of Headmaster of Elementary School, on the strength of the petitioner's name included in the panel drawn as on 01.01.2008, for promotion as Head Master of Elementary School, by an order dated 31.03.2008, of the third respondent and consequently, pay the monetary benefits, by considering the petitioner's representation, dated 22.07.2016.

2. The petitioner has given his letter of relinquishment on 08.09.1989. Immediately after completion of the relinquishment period, the petitioner should have pursued the matter. But, for the reasons best known to him, after he retired from the post of Special Grade Secondary Grade Teacher, for the first time, he has made representation to the first respondent seeking promotion to him to the post of Headmaster in Panchayat Union Primary School, with retrospective effect, only on 22.07.2016. Apparently, the claim of the petitioner is hit by inordinate delay and laches, which has not been properly explained, therefore, this Court, on the ground of huge delay, is not inclined to grant the relief sought for by the petitioner. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government
School Education Department, Secretariat, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Dindigul, Dindigul District.
4. The Assistant Elementary Educational Officer,
Batlagundu, Nilakottai Taluk, Dindigul District.

+1 cc to M/S.Ajmal Associates, Advocate in SR.No.48523

+1 cc The Special Government Pleader in SR.No. 50051

akv

CSL/GSV-PM/20.09.2016: 2p/7c