



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.11.2016

CORAM
THE HON'BLE Dr.JUSTICE S.VIMALA
W.P(MD) No.22369 of 2016

WEB COPY

V.Sudhakar

... Petitioner

-vs-

- 1.The Director of Elementary Education,
D.P.I.Compound,
College Road, Chennai - 6.
- 2.The District Elementary Educational Officer,
Thanjavur, Thanjavur District.
- 3.The Assistant Elementary Educational Officer,
Thiruvaiyaru Union,
Thanjavur District.
- 4.A.Ravishankar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pass orders on the Appeal Petition submitted by the Petitioner dated 18.03.2016 regarding Revision of Seniority of the petitioner's name by placing at Serial No.4 in the seniority list of Secondary Grade Teachers prepared as on 01.01.2016 fit for promotion to the Post of B.T.Assistant (Maths) by setting aside the order of the Second Respondent dated 01.02.2016.

For Petitioner : Mr.V.Ravikumar

For RR - 1 to 3 : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

This writ of mandamus has been filed, seeking a direction to the first respondent to pass orders on the Appeal Petition submitted by the petitioner dated 18.03.2016 regarding revision of seniority of the petitioner's name by placing at Serial No.4 in the seniority list of Secondary Grade Teachers prepared as on 01.01.2016 fit for promotion to the Post of B.T.Assistant (Maths) by setting aside the order of the Second Respondent dated 01.02.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3. By consent, the writ petition itself is taken up for hearing at the stage of admission.

3.According to the petitioner, he is working as Secondary Grade Teacher in Panchayat Union Elementary School, Valappakudi, Thiruvaiyaru Union, Thanjavur District. It is stated that the third respondent prepared a seniority list of Secondary Grade Teacher/Elementary School Headmaster/Full Time Vocational Instructor, fit for promotion to the post of B.T.Assistant in the Thiruvaiyaru Panchayat Union as on 01.01.2014 wherein the petitioner's name found place at Sl.No.5. Based on the said



seniority list, the second candidate namely, S.Sowriraj, has been promoted to the post of B.T.Assistant on 24.07.2014, since the first candidate, namely, A.Ravishankar has waived his promotion. Under such circumstances, a combined seniority list of Secondary Grade Teacher was published as on 01.01.2016 fit for promotion to the Post of B.T.Assistant (Maths) wherein the name of the first candidate namely, A.Ravishankar has been placed once again at Sl.No.1.

4.It is the grievance of the petitioner that if the name of the said candidate continue to be in the seniority list that would affect the promotional opportunities of the petitioner. Therefore, the petitioner has sent several representations to the respondents to revise the seniority list prepared as on 01.01.2016. The second respondent has rejected his request for revision of seniority list on the ground that though S.Sowri Raj was placed in the seniority list as Sl.No.2, based on the earlier seniority list prepared as on 01.01.2013 and that he was given promotion overlooking the seniority of A.Ravishankar. Challenging the said rejection order passed by the second respondent, the petitioner has filed an appeal petition dated 18.03.2016 before the first respondent which is still pending. Hence, the present writ petition has been filed.

5.The learned Additional Government Pleader for the respondents submitted that it is agreeable for the first respondent to consider the appeal petition of the petitioner dated 18.03.2016 and pass orders within a time frame to be fixed by this Court.

6.Under such circumstances, the first respondent is directed to consider the appeal petition filed by the petitioner dated 18.03.2016 and to pass orders on merits and accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
D.P.I.Compound, College Road, Chennai - 6.
 - 2.The District Elementary Educational Officer,
Thanjavur, Thanjavur District.
 - 3.The Assistant Elementary Educational Officer,
Thiruvaiyaru Union, Thanjavur District.
- +1 cc to MR.R.RAVIKUMAR, ADVOCATE, SR NO:71620.
+1 cc to MR. SPECIAL GOVERNMENT PLEADER, SR NO:72442

<https://hcservices.ecourts.gov.in/hcservices/>

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