



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.6057 of 2016

WEB COPY

P.Palaniammal

...Petitioner

Vs.

1.The District Elementary Education Officer,
O/o.The District Elementary Educational Officer,
Theni District.

2.The Additional/Assistant Elementary Educational
Officer, O/o.The Additional/Assistant Elementary
Educational Officer,
Chinnamanur,
Theni District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 06.03.2016 and pass order as per the proceedings issued by the Director of Elementary Education in Na.Ka.No. 47962/ED3/1999 dated 19.11.1999 and the guideline issued by the Director of Elementary Education Vide Na.Ka.No. 5939/ED1/2001 dated 15.11.2001 and promote and post the petitioner as Middle School Headmaster in the vacancy arising on 01.06.2016 on account of the retirement of Mrs.S.Veluthai.

For Petitioner
For Respondents

: Mr.C.Arul Vadivel @ Sekar
: Mr.T.S.Mohammed Mohideen
Additional Government Pleader.

ORDER

The petitioner was appointed as Secondary Grade Teacher on 15.07.1988 and was promoted as Primary School Headmaster on 06.08.1998. Later, she was also promoted as Middle School Headmaster on 01.06.2013. Subsequently, she was transferred to Panchayat Union Middle School, Chinnapottipuram on administrative grounds. While so, the first respondent posted the petitioner under reversion as Primary School Headmaster in the Panchayat Union Primary School, Erasakkanayakkanur. The reversion was on account of the relinquishment given by one Veluthai, Additional Assistant Elementary Educational Officer, Uthamapalayam who was subsequently posted as Headmaster in Panchayat Union Middle School, T.Pudukottai.

2.It is the case of the petitioner that the said Veluthai is going to retire on 31.05.2016 and the said post would become vacant on 01.06.2016 which is the post earlier the petitioner was holding.

3.The petitioner invited the attention of this Court to the proceedings of the Director of Elementary Education in Na.Ka.No.5939/ED1/2001, dated 15.11.2001 wherein rules regarding promotion have been stipulated. As per the rules, if any person is given reversion on account of want of vacancy due to administrative reason, whenever any vacancy arises in the same post, he/she should be promoted first even prior to the preparation



of promotion list or seniority panel. Therefore, the petitioner has given a representation dated 25.09.2015 to the first respondent requesting him to promote and post her as Middle School Headmaster in T.Pudukottai after the retirement of the said Veluthai which is still pending.

4.Considering the above facts and circumstances and without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 29.03.2016 in the light of the proceedings of the Director of Elementary Education in Na.Ka.No.5939/ED1/2001, dated 15.11.2001 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The District Elementary Education Officer,
O/o.The District Elementary Educational Officer,
Theni District.

2.The Additional/Assistant Elementary Educational
Officer, O/o.The Additional/Assistant Elementary
Educational Officer,
Chinnamanur, Theni District.

+1cc to M/s.C.Arul Vadivel @ Sekar, Advocate in SR.17363

+1cc to the Special Government Pleader, in SR.17602

Writ Petition (MD) No.6057 of 2016
29.03.2016

sms

PBK/SK-SKN 05/04/2016 ::2P-5C::