

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 11.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.909 of 2017

V.Annamalai

... Petitioner

-Vs-

1. The Secretary to Government
of Tamil Nadu, Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.
3. The District Educational Officer,
Nagapattinam District,
Nagapattinam.
4. National Higher Secondary School,
represented by the Secretary of
National Higher Secondary School Committee,
Nagapattinam - 611 001.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 3rd respondent to pass orders on the petition of the petitioner dated 12.12.2016 seeking petitioner's salary as P.G.Assistant from 01.06.2016 to till the date of petitioner's promotion as Head Master is approved by the third respondent.

For Petitioner : Mr.Syed Zakir Hussain

For Respondents : Mr.K.Dhanjayan, Spl.Govt.Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner was initially appointed as P.G.Assistant in TUNSV Higher Secondary School, Tiruchuli, Virudhunagar District on 04.06.1986 and was transferred to National Higher Secondary School, Nagoor, a Government Aided School, on 31.05.1996. Subsequently, on 31.05.2016, the post of Head Master in the National Higher Secondary School at Nagapattinam, fell vacant on account of the retirement of R.Vijayaraj, Head Master. The petitioner participated in the selection process and got selected and promoted to the post of Head Master and joined duty with effect from 01.06.2016 and a proposal was also forwarded to the District Educational Officer, Nagapattinam, the 3rd respondent herein and since it was not considered and disposed of, the petitioner has filed W.P.No.27969 of 2016 and by order dated 10.08.2016, this Court directed the concerned official to pass orders on the representation of the petitioner and also the proposal sent by the school within a stipulated time.

3. The grievance expressed by the petitioner is that though the proposal seeking approval for promotion to the post of Head Master is still pending, all of a sudden, the 3rd respondent has not paid the salary due and payable to him to the post of Post Graduate Assistant/Headmaster from 1.6.2016 onwards and in this regard, he has also submitted a representation dated 12.12.2016 to the 3rd respondent. Since no orders have been passed, he came forward to file this writ petition.

4. Learned counsel for the petitioner would submit that atleast his salary to the post of Post Graduate Assistant should have been paid and since it has not been done, the petitioner is suffering on account of non-receipt of salary and hence, he is constrained to file the writ petition.

5. This Court, heard the submission of K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into merits of the claim projected by the

petitioner, directs the 3rd respondent to consider the petitioner's representation dated 12.12.2016 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Secretary to Government
of Tamil Nadu, Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
3. The District Educational Officer,
Nagapattinam District, Nagapattinam.
4. The Secretary of
National Higher Secondary School Committee,
National Higher Secondary School,
Nagapattinam - 611 001.

+1cc to Mr.Syed Zakir Hussain, Advocate Sr.2832
+1cc to the Government Pleader Sr.3020

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srg 19/01/2017

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