

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

W.P.No.9916 of 2017

R.Ramanujam

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006
 2. The District Elementary Educational Officer,
Villupuram District,
Villupuram
 3. The Assistant Elementary Educational Officer,
Marakkanam,
Villupuram District
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider the last representation submitted by the petitioner dated 13.01.2017 and to promote the petitioner to the post of B.T. Assistant (Science) in the vacancy arising from 01.06.2017 in Marakanam Union, Villupuram District with retrospective effect from 02.11.2014 on par with junior M.Syed Ibrahim by considering the petitioner for promotion on 2014 panel, with all consequential and other attendant benefits.

For Petitioner ... Mr.G.Sankaran

For Respondents.. Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking a direction to the respondents to consider his representation dated 13.01.2017 and to promote him to the post of B.T. Assistant (Science) in the vacancy arising from 01.06.2017 in Marakanam Union, Villupuram District with retrospective effect from 02.11.2014 on par with his junior M.Syed Idrahim by considering him for promotion in the year 2014 panel, with all consequential and other attendant benefits.

2.The case of the petitioner is that he was initially appointed as Secondary Grade Teacher in Elementary Education on 07.02.2006 in Marakkanam Block, Villupuram District. However, the Elementary Education is governed by Special Rules for Elementary Education Subordinate Service notified in G.O. Ms. No.1383 dated 23.08.1988 and as per Rule 9 of Special Rules, each Union will be a Unit for seniority and promotion. The petitioner, while in service, has studied B.Sc., (Zoology) through Distance Education in Periyar University, after obtaining necessary permission in the department as per the proceedings of the third respondent dated 12.03.2012 and completed the same in July 2013 and he has also completed B.Ed. in November 2010 and therefore, he have become eligible for promotion to the post of B.T. Assistant (Science), based on the qualification acquired by him. When the petitioner has become qualified with B.Sc. from July 2013 onwards, it is incumbent on the part of the respondents to register the qualification in the Service Register even on declaration of results produced by him in the month of November 2013 itself. Though the petitioner made a representation to the respondents for making necessary entry in the Service Record in December 2013 itself, the respondents made an entry in the Service Register only on 28.03.2014, based on the Provisional Certificate issued by Periyar University dated 10.03.2014. While so, when the panel for promotion to the post of B.T. Assistant was prepared for the year 2014 in the month of April 2014, the petitioner's name was not included in the panel in spite of his seniority and eligibility and the name of one M.Syed Ibrahim, who is junior to the petitioner, was included, due to non inclusion of his name in the Service Register by the respondents within the stipulated time. As the petitioner has become eligible for the promotion from July 2013 onwards, he made a representation to the respondents stating the above facts. But the same has not been considered till date. Therefore, he is before this Court seeking the above direction.

3.Learned Additional Government Pleader appearing for the respondents sought six weeks time to consider the representation made by the petitioner.

4.Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents to consider 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.

4.With the above direction, this writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006
2. The District Elementary Educational Officer,
Villupuram District,
Villupuram
3. The Assistant Elementary Educational Officer,
Marakkanam,
Villupuram District

+1 cc to Mr.G.Sankaran,advocate,sr.24624

+1 cc to Govt.Pleader,sr.24481.

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