

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.13044/2017 & WMP Nos.13916 & 13917/2017

E.Francis Charles

..Petitioner

..Vs..

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representations submitted by the petitioner dated 08.07.2016 and 15.05.2017 and to revise the seniority of the petitioner in the post of Middle School Headmaster with effect from 10.03.2006 on which date the Aided School was taken over by the Education Department by considering the consent letter submitted by the petitioner dated 10.03.2006 with consequential promotion to the post of Assistant Elementary Educational Officer by transfer in the existing vacancy in Coimbatore District, within a time frame to be fixed.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.A.N.Thambidurai, SPL GP

ORDER

By consent, the writ petition is taken up for final disposal. Heard Mr.G.Sankaran, learned Counsel appearing for the petitioner; Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents.

2. The petitioner is working as Middle School Headmaster. Originally he was appointed as Secondary Grade Teacher in Aided Middle School in the year 1996. Thereafter, this School was taken over to the State Government on 11.03.2006. The School started functioning with the Government School from 31.12.2012. Therefore, the seniority was struck from the year 2006. However, the petitioner has initiated litigations for revision of seniority and finally his seniority was fixed with effect from 10.03.2006, the date on which the School was taken over by the Government. Now, the petitioner has expressed his willingness and requested for fixing seniority with effect from the first respondent as reckoning the seniority. The petitioner has sought for reckoning the seniority from 10.03.2006, the date on which he had submitted his willingness to take bottom seniority. Further, the request was rejected by the first respondent against which the petitioner has preferred a Review Petition before the first respondent which is pending. In the mean while, the respondents are conducting Promotion counseling for the post of AEE0 educational officers on 19.05.2017. Hence, the petitioner has filed the above writ petition seeking promotion to participate in the counseling.

3. Since the review is pending before the first respondent, the seniority issue has not reached finality. Therefore, the petitioner cannot be construed to be senior. However, a direction is issued to the first respondent to dispose of the review petition filed by the petitioner dated 08.07.2016 seeking promotion to the post of AEE0, after fixing his seniority. If the petitioner succeeds in the review application, he will be entitled to be posted in vacancy reserved by the respondents.

4. With the above direction, the writ petition is disposed of at the admission stage itself. No order as to costs. Consequently, the connection miscellaneous petitions are closed.

5.The learned Special Government Pleader is directed to communicate the order to the first respondent.

Sd/-
Assistant Registrar/VO

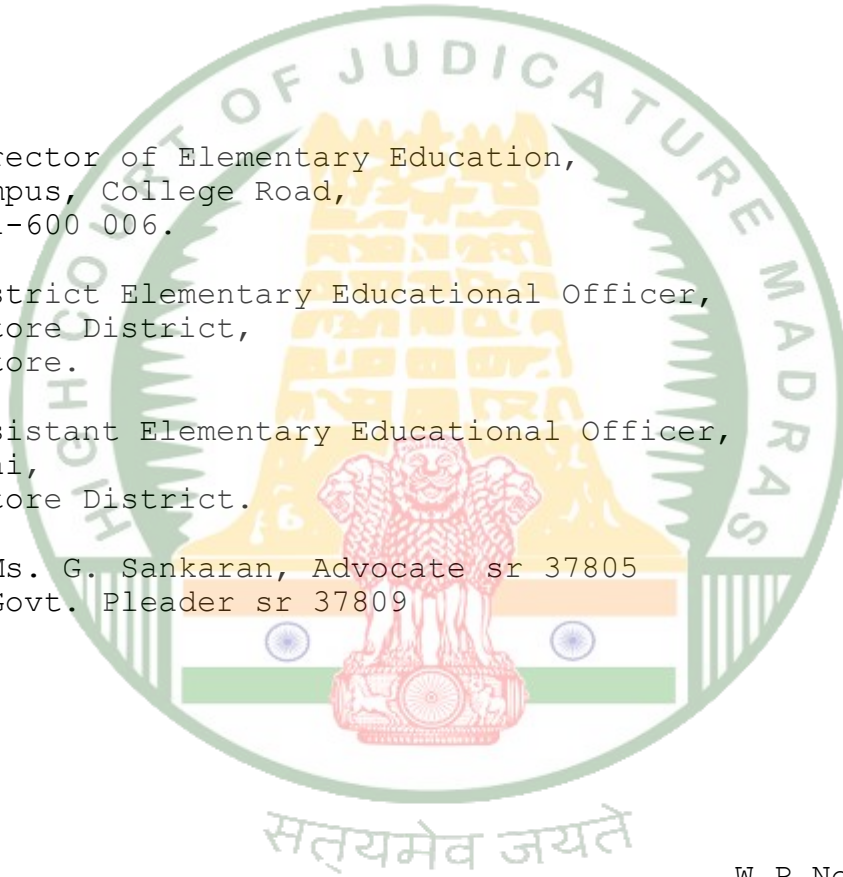
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Sub Assistant Registrar

To

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

+1 CC to Ms. G. Sankaran, Advocate sr 37805
+1 CC to Govt. Pleader sr 37809



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