

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2017

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30479 of 2008

and

M.P.No.2 of 2008

1.M.Kamaraj,
S/o.Muthukannu,
B.T.Assistant, Govt (ADW) High School,
Kudiyanallur, Vengaivadi Post,
Kallakurichi Taluk, Villupuram District.

2.E.Kumaresan,
S/o.Elumalai,
B.T.Assistant, Govt. Tribal Residential Middle School,
Aramboondi, Sankarapuram Taluk,
Villupuram District.

3.S.Ramachandran,
S/o.Sathaiya,
B.T.Assistant,
Govt. Tribal Residential Middle School,
Pachery, Mottampatti Post,
Sankarapuram Taluk, Villupuram District - 606 204.

4.V.Annamalai
S/o.Vaidhiyaliam,
Tutor-cum-Warden,
Government Boys Hostel, Virugavur, Kallakuruchi Taluk,
Villupuram District.

5.K.Gnanajothi,
D/o.Karumbayiram,
B.T.Assistant,
Government Tribal Residential Middle School,
Nochimedu, Sankarapuram Takuk,
Villupuram District.

6.M.Thakshnamoorthy,
S/o.Muthian,
B.T.Assistant, Govt. (ADW) High School,
Kappur, Villupuram District.

7.G.Ganesan,
S/o.Gopal,
Tutor-cum-Warden,
Govt. Boys Hostel (ADW),
Kavarai, Gingee Taluk,
Villupuram District.

.. Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

2.The Director of Adi-Dravidar and Tribal Welfare,
Chepauk, Chennai - 5.

3.The District Adi-Dravidar Welfare Officer,
Villupuram District,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.99, School Education (Income/Expenditure Department dated 27.06.2006 and quash the same and direct the respondents to give promotion to the petitioners to the post of B.T.Assistant with effect from the day prior to the date of regular scale of pay given to the consolidated pay candidates to the post of B.T.Assistant and consequently give all service and monetary benefits or any other appropriate relief.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for V.S.Jagadeesan

For Respondents : Mr.R.Govindasamy
Special Government Pleader

ORDER

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.99, School Education (Income/Expenditure Department dated 27.06.2006 and quash the same and direct the respondents to give promotion to the petitioners to the post of B.T.Assistant with effect from the day prior to the date of regular scale of pay

given to the consolidated pay candidates to the post of B.T.Assistant and consequently give all service and monetary benefits or any other appropriate relief.

2. I heard Mr.R.Singaravelan, Senior Counsel for V.S.Jagadeesan, learned counsel appearing for the petitioner; Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents and also perused the materials available on record.

3. The learned Senior Counsel appearing for the petitioners submit that he has restricted his prayer only to consider the representation dated 04.12.2008 on the basis of G.O.Ms.No.100, School Education Department, dated 27.06.2003.

4. Per contra, the learned Special Government Pleader saying that the petitioner is not eligible for the post of B.T.Assistant and therefore, he prayed for the dismissal of the writ petition.

5. Since the learned Senior Counsel restricted his prayer only to consider the representation dated 04.12.2008 on the basis of G.O.Ms.No.100, School Education Department, dated 27.06.2003, this Court directs the petitioners to make a fresh representation to the first respondent within a period of 15 days from the date of receipt of a copy of this order and on receipt of the said representation, the first respondent is directed to consider the said representation and also the petitioner's representation dated 04.12.2008, by giving personal opportunity of hearing to the petitioners and to pass appropriate orders on merits within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Adi-Dravidar and Tribal Welfare Department,
Secretariat,

Chennai - 600 009.

2.The Director of Adi-Dravidar and Tribal Welfare,
Chepauk, Chennai - 5.

3.The District Adi-Dravidar Welfare Officer,
Villupuram District,
Villupuram.

+1 CC to Mr.M.Srividhya, Advocate Sr.No.60448

+1 CC to Government Pleader, High Court, Chennai Sr.No.61105

W.P.No.30479 of 2008

KP(05.10.2017)



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