

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W. P. NO.14826 of 2010

P.Sivasankari

... Petitioner
Vs.

1. The District Elementary Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
2. The Assistant Elementary Educational Officer,
Cheyyar, Thiruvannamalai District
3. Mr.S.Ramamurthy

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 and 2 to revoke the promotion given to the third respondent as BT Assistant and promote the petitioner as BT Assistant with effect from 20.05.2010 with all consequential benefits and Render Justice.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.A.Rajaperumal
Addl.Govt. Pleader for R1 & R2
Mr.P.Arivudainambi for R3

O R D E R

The relief sought for in this writ petition is to direct the first and second respondents to revoke the promotion order given to the third respondent and promote the petitioner as BT Assistant with effect from 20.05.2010 with all consequential benefits.

2. The learned counsel for the writ petitioner states that the writ petitioner is working as Head Master in Panchayat Union Elementary School, Arathirivelur, Cheyyar Block, Thiruvannamalai District. The petitioner was initially appointed as Secondary Grade Teacher and was promoted as Primary School Head Master on 12.01.2006. She is fully qualified for promotion to the post of BT Assistant (History) and B.T. Assistant (Economics). The name

of the writ petitioner was included in the panel for promotion to the post of B.T. Assistant as on 01.01.2010 against Sl.No.5 four vacancies occurred in the post of B.T. Assistant. Persons against Sl.Nos. 1 to 3 have been promoted and the person against Sl.No.4 relinquished her right of promotion. Thus, the writ petitioner claims that she is eligible to be promoted in the fourth vacancy. However, she was unable to attend the counseling on account of her illness, conducted on 20.05.2010. However, the third respondent, who was placed next below the writ petitioner, was promoted as B.T. Assistant. The learned counsel for the writ petitioner states that in all subsequent counseling conducted by the respondents, the name of the writ petitioner had not been considered on account of the pendency of the writ petition.

3. The mere pendency of the writ petition cannot be a bar for considering the name of the writ petitioner in the subsequent counseling. Thus, this Court is of the opinion that the case of the writ petitioner deserves consideration in accordance with rules in force. Under these circumstances, the petitioner is permitted to submit a detailed representation setting out all these facts and circumstances to the first respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the representation, the first respondent is directed to consider the same on merits and in accordance with law within a period of twelve weeks thereafter.

4. Accordingly, the writ petitioner is disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

dpq

To

1. The District Elementary Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
2. The Assistant Elementary Educational Officer,
Cheyyar, Thiruvannamalai District

+ 1 cc to Mr.P.Arivudainambi Advocate, SR.79857
+ 1 cc to The Govt.Pleader, SR.80119

WRIT PETITION NO.14826 of 2010

NR 08/12/2017