



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].Nos.326 to 328 of 2017
and

C.M.P.[MD].Nos.3238 to 3242 of 2017

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai- 600 006.
- 3.The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.
- 4.The Assistant Elementary Educational Officer,
Aruppukottai, Virudhunagar District. : Appellants

Vs.

K.Raghavan,
Primary Headmaster,
Panchayat Union Middle School,
Amanakkunatham, Aruppukottai Union,
Virudhunagar District- 626 101.

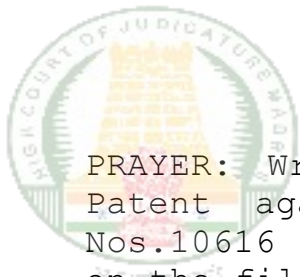
: Respondent in W.A.(MD).No.326 of 2017

S.Palanichamy,
Primary Headmaster,
Panchayat Union Primary School,
Kovilangulam, Aruppukottai Union,
Virudhunagar District- 626 101.

: Respondent in W.A.(MD).No.327 of 2017

R.Arangasamy,
Primary Headmaster,
Panchayat Union Primary School,
Malaipatti, Aruppukottai Union,
Virudhunagar District- 626 101.

<https://hcservices.ecourts.gov.in/hcservices/> : Respondent in W.A.(MD).No.328 of 2017



PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the order dated 03.10.2013 made in W.P.(MD). Nos.10616 of 2011, 10618 of 2011 and 10617 of 2011 respectively on the file of this Court.

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Prayer in WP(MD)Nos.10616/2011 to 10618/2011:-

Writ Petition filed under Article 226 of the Constitution of India , praying this Court to issue a Writ of Mandamus, directing the respondents to forbear from effecting any adverse change in the approved Panel/List dated 24.08.2011 for promotion to the post of Middle School Headmaster in the Aruppukottai Panchayat Union and further direct the respondents to give promotion to the petitioner as Middle School Headmaster forthwith on the basis of the said Panel List with all attendant benefits.

For Appellants : Mr.V.Muruganantham,
Additional Government Pleader.

For Respondents : Mr.T.Cibi Chakraborty

COMMON JUDGMENT

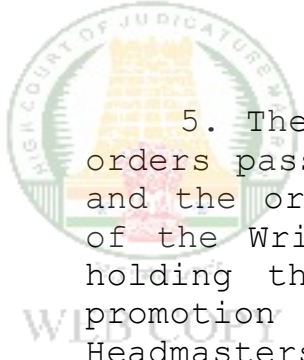
[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants and Mr.T.Cibi Chakraborti, learned counsel appearing for the respondents. By consent, the Writ Appeals are taken up for final disposal at the stage of admission itself.

2. These Writ Appeals are directed as against the order dated 03.10.2013 made in W.P.(MD).No.10616 to 10618 of 2011.

3. The respondents/Writ Petitioners filed the Writ Petitions seeking to forebear the appellants herein from effecting any adverse change in the approved panel/list, dated 24.08.2011, for promotion to the post of Middle School Headmasters in the Aruppukottai Panchayat Union and further direct the appellants herein to give promotion to them as Middle School Headmasters.

4. The issue was as to whether the respondents/Writ Petitioners possess requisite qualification for being considered for promotion to the post of Middle School Headmasters. The respondents/Writ Petitioners, after successful completion of 10th standard, some of them joined Diploma in Teacher Training Course, which is a two years duration course and some of them joined Diploma in Engineering in Polytechnics, which is a three years duration course. After having successfully completed the said courses, some of them joined degree courses and they also acquired B.Ed., qualifications. As of now, the respondents/writ petitioners are working as Secondary Grade Teachers in various schools.



5. The learned single Judge, after taking note of the earlier orders passed in W.P.Nos.24495 to 24497 of 2012, dated 10.09.2012, and the order in W.P.No.15296 of 2013, dated 11.06.2013, disposed of the Writ Petitions filed by the respondents/Writ Petitioners, holding that the respondents/writ petitioners were entitled for promotion either as B.T.Assistants or as Middle School Headmasters, as the case may be, subject to their fulfilling other requirements. Further, the Writ Court, taking note of the fact that based on the orders passed in the said Writ Petitions, referred to above, the Government have issued G.O.Ms.No.242, Higher Education Department, dated 18.12.2012 and the learned Additional Government Pleader, who appeared in the matter, did not dispute the legal position.

6. The learned counsel appearing for the respondents/Writ Petitioners/caveator submitted that as against the order in W.P.No.6390 of 2012, Writ Appeal was filed, which was dismissed by the Hon'ble Division Bench. Further, it is submitted that the first respondent/writ petitioner in W.P.[MD]No.10616 of 2011 passed away.

7. In the light of the above, we are of the view, no good grounds are made out to interfere with the order passed by the Writ Court. Accordingly, the Writ Appeals are dismissed. Insofar as the respondent/writ petitioner - Mr.K.Raghavan is concerned, his legal heirs are entitled to workout their rights, in the event Mr.K.Raghavan is notionally entitled for any relief. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
Department of School Education,
Fort St. George, Chennai-600 009.
 - 2.The Director of Elementary Education,
College Road, Chennai- 600 006.
 - 3.The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.
 - 4.The Assistant Elementary Educational Officer,
Aruppukottai, Virudhunagar District.
- +One cc to The Special Government Pleader, SR.No.52061
+One cc to Mr.T.Cibi Chakraborty, Advocate, SR.No.51803

NB

RL/7C/3P/MR/SAR2/26.4.2017

COMMON JUDGMENT MADE IN
W.A.[MD].Nos.326 to 328 of 2017
and
C.M.P.[MD].Nos.3238 to 3242 of 2017
12.04.2017