



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.631 of 2017

and

C.M.P (MD) .No.5255 of 2017

1. The Joint Director of Elementary Education [Admin],
Office of the Directorate of Elementary Education,
DPI Complex, College Road, Chennai.
2. The District Elementary Education Officer,
Office of the District Elementary Educational Office,
Pudukkottai District, Pudukkottai.
3. The Assistant Elementary Educational Officer,
Avudaiyarkovil, Pudukkottai.
4. The Additional Assistant Elementary Educational Officer,
Avudaiyarkovil, Pudukkottai District. : Appellants/
Respondents 1 to 4

Vs.

1. D.Prabhakar,
Headmaster, Panchayat Union Primary School,
Thirupunavasal Panchayat Union,
Avudaiyarkovil Panchayat Union,
Pudukkottai District.
2. S.Ramasamy,
S/o.Samy, Tamil B.T.,
Panchayat Union Middle School, Avudaiyarkovil,
Pudukkottai District.
3. S.Pirainoodal Selvi,
Daughter of non-known to the petitioner,
Panchayat Union Elementary School,
Kodugavayal, Pudukkottai District. : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent
against the order dated 18.05.2017 made in W.P.(MD).No.9281 of
2017, on the file of this Court.



Prayer in WP(MD). 9281/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus direction to call for the panel list for promotion of middle school headmaster dated 07.04.2017, on the file of the 3rd respondent under proceeding no. nil and to call for the consequential promotion counselling notification dated 20.04.2017, under proceeding Na.Ka.No. 009464/T1/2017, on the file of the 1st respondent, pertaining to conducting counselling interview for promotion to the post of middle school headmaster on 22.05.2017 and to quash the same as illegal and direct the respondents no.1 to 4 to place the petitioner in the panel list for promotion of middle school headmaster and thereby render justice.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader
For Respondents : Mr.K.R.Laxman

JUDGMENT

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

Heard VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.K.R.Laxman, learned counsel appearing for the respondents/caveator.

2. This Writ Appeal is directed against the order dated 18.05.2017 made in W.P.(MD).No.9281 of 2017, in and by which, the Writ Court directed that the appellants should consider the case of the first respondent for promotion in the counselling scheduled to take place from 22.05.2017.

3. The reason for refusing to consider the case of the first respondent for promotion was on the ground that though the punishment of stoppage of increment for a period of five years was imposed and it was over, the first respondent cannot be considered for promotion, as it falls within the check period. The Government Order issued in G.O.Ms.No.22, Personnel and Administrative Reforms (S) Department, dated 24.02.2014, stipulating the check period was the subject matter of challenge in **W.A.(MD).No.985 of 2015**, dated **14.09.2016** [**K.Rajalakshmi Vs. The Principal Secretary to Government of Tamil Nadu**] and the Division Bench has quashed the said Government Order, insofar as it suggests the check period and treats the punishment as an embargo for granting promotion.

1. In the light of the above, the order impugned in this Writ Appeal calls for no interference. Accordingly, the Writ Appeal is



dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

WEB COPY

Sub Assistant Registrar

To

1. The Joint Director of Elementary Education [Admin],
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Avudaiyarkovil, Pudukkottai District.

+1 CC to M/s.K.R.LAXMAN, Advocate, SR No. 60966.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 60903.

NB

PSM/KKR/SAR4/29.06.2017/3P/7C

**JUDGMENT MADE IN
W.A. [MD] .No.631 of 2017
16.06.2017**