



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14386 of 2017

and

W.M.P. (MD) Nos.11270 and 11271 of 2017

A.Kandasamy

... Petitioner

Vs.

1. The District Elementary Educational Officer,
R.M.S. Road,
Madurai - 625 001.

2. The Additional Assistant Elementary
Educational Officer,
Tirupparankundram Union,
Tirupparankundram,
Madurai - 625 005.

... Respondents

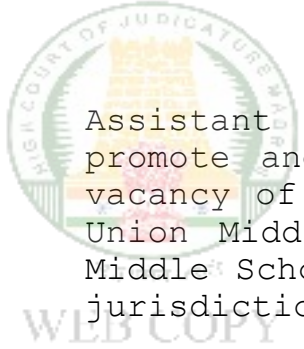
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's seniority at the 1st place in the Promotion Panel as on 01.01.2017 for promotion to the post of B.T. Assistant [English] in Thirupparankundram Panchayat Union and to promote and post the petitioner as B.T. Assistant [English] in the existing vacancy of B.T. Assistant [English] at Thirupparankundram Panchayat Union Middle School at Thenpalanji or any other vacancy in other Middle School functioning under Thirupparankundram Panchayat Union jurisdiction.

For Petitioner	: Mr.A.Thirumurthy for M/s.Victory Associates
For Respondents	: Mr.D.Muruganantham Additional Government Pleader

ORDER

Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal.

2.This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's seniority, as he has been shown at Serial No.1 in the promotion panel as on 01.01.2017, for promotion to the post of B.T.



Assistant [English] in Thirupparankundram Panchayat Union and to promote and post him as B.T. Assistant [English] in the existing vacancy of B.T. Assistant [English] at Thirupparankundram Panchayat Union Middle School at Thenpalanji or any other vacancy in other Middle Schools functioning under Thirupparankundram Panchayat Union jurisdiction.

3.Mr.A.Thirumurthy, learned counsel appearing for the petitioner drawing the attention of this Court to an order passed in W.P.(MD)No.12959 of 2016, dated 22.07.2016 [A.Deisy Vs. The District Elementary Educational Officer, Madurai and another] and also another order dated 01.08.2016, in W.P.(MD)No.13634 of 2016 [M.Amalorpavam Vs. The District Elementary Educational Officer, Madurai and another] submitted that in similar circumstances, a direction was given to consider the case of the petitioners therein before filling up the existing vacancies and therefore, a similar direction may be given in the present case also, since the petitioner stands at Serial No.1 in the Panel for Promotion to the post of B.T. Assistant [English] in Thirupparankundram Panchayat Union Schools for the year 2017 [i.e., as on 01.01.2017].

4.This Court does not find any justification whatsoever on the part of the petitioner in approaching this Court for the abovesaid relief. The reason is, when the petitioner claims that he has been placed at Serial No.1 in the panel for Promotion to the post of B.T. Assistant [English] in Thirupparankundram Panchayat Union Schools, for the year 2017, i.e., as on 01.01.2017, he has to wait till the respondent passes an order either in his favour or against him. Before that, the petitioner cannot come to this Court. When the respondents are bound to consider his case on the basis of merits and as per the Rule, issuing direction at this stage would definitely cause inconvenience to the administration. Therefore, this Court is restrained from issuing any direction to the respondents in this Writ Petition and the writ petition is premature. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed. It is open to the petitioner to work out his remedy after the final order is passed by the respondents.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
R.M.S. Road,
Madurai - 625 001.



2. The Additional Assistant Elementary
Educational Officer,
Tirupparankundram Union,
Tirupparankundram,
Madurai - 625 005.

+ 1 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 69480
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70157

SMN2

TE/KK/SAR-II : 11/09/2017 : 3P/5C

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