



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2017

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P (MD) No.9281 of 2017

and

WMP (MD) Nos.7051 to and 7053 of 2017

D.Prabakar

: Petitioner

-vs-

- 1.The Joint Director of Elementary Education (Admin),
O/o.Director of Elementary Education,
D.P.I Complex, College Road,
Chennai.
- 2.The District Elementary education Officer,
O/o.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.

5.S.Ramasamy

6.S.Pirainoodal Selvi

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the Penal 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 Counseling Notification dated 20.04.2017, under Proceeding Na.Ka.No.009464/T1/2017, on the file of the 1st respondent, pertaining to conducting counseling interview for promotion to the post of Middle School Headmaster on 22.05.2017 and to quash the <https://services.eas.gov.in/theservice/> and to direct the respondents 1 to 4 to place the petitioner in the panel list for promotion of Middle School Headmaster.



For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.T.R.Janarthanan
Additional Government Pleader

WEB COPY

O R D E R

This petition is filed by the petitioner, who seeks consideration of his name for being promoted from his current post as Primary School Headmaster to Middle School Headmaster. It is his further case that in the seniority list for the primary school headmaster, his name figured as No.4, however, in the list of candidates published for consideration for promotion from the post of primary school headmaster to middle school headmaster, the petitioner's name does not find a place.

2.The learned counsel for the petitioner submitted that the petitioner had given a representation for including his name in the list of candidates for consideration, but the same was rejected by the impugned order, dated 20.04.2017.

3.On perusal of the impugned order, it is seen that the authority has relied on amended Rule 4(a) to Schedule IV, which reads as follows:-

"If a member of service is imposed with punishment for irregularities or delinquencies that were committed five years prior to the crucial date, his name shall be considered for promotion or appointment to that post, if the member of service is not under going such punishment on the crucial date or on the ate of consideration for actual promotion."

4.The rule, as extracted in the impugned order, does not disqualify the petitioner entirely from being placed in the zone of consideration for promotion. What it insists is that any one, who is so considered for promotion shall not be undergoing any punishment at the time of such consideration.

5.It appears that on some domestic enquiry, the petitioner has been punished and his increment was cut for two years, vide proceedings of the proper authority, dated 08.01.2014. This implies, on 08.01.2016 the punishment given to him would come to an end, which again implies that as on date, there is no cloud of punishment on the petitioner. It is, therefore, apparent that the petitioner has become eligible for consideration within the meaning of Rule 4(a) to Schedule IVV Part D (e) (IH).



6.Hence, the writ petition is allowed and the impugned order, dated 20.04.2017 is set aside and the authority concerned is directed to consider the name of the petitioner for promotion in the scheduled counseling to take place from 22.05.2017. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Vacation Officer/
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To,

- 1.The Joint Director of Elementary Education (Admin),
D.P.I Complex, College Road,
Chennai.
- 2.The District Elementary Education Officer,
Pudukkottai District,
Pudukkottai.
- 3.The Assistant Elementary Educational Officer,
Avudaiyarkovil,
Pudukkottai.
- 4.The Additional Assistant Elementary Educational Officer,
Avudaiyarkovil,
Pudukkottai District.

+One cc to The Special Government Pleader, SR.No.56975
+One cc to Mr.K.R.Laxman, Advocate, SR.No.56861

er
RL/7C/3P/MR/SAR3/19.5.2017

W.P(MD)No.9281 of 2017

18.05.2017