

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 09.10.2017****CORAM:****THE HONOURABLE Mr.JUSTICE P.D.AUDIKESAVALU****W.P. (MD) No.232 of 2011**

S.Selvamani (Head Master)

... Petitioner

Vs.

1.The District Elementary
Educational Officer,
Maruthu Pandiar Nagar,
Sivagangai,
Sivagangai District.

2.The Assistant Elementary
Educational Officer, S.Pudur,
Sivagangai District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.3937/A1/2005 dated 26.08.2010 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the respondents to provide all the consequential and monetary benefits to the petitioner as Middle School Head Master with effect from 13.07.2005 from the date his junior Mr.K.Marudha Nayakam was promoted as Middle School Headmaster.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.Sathish Kumar

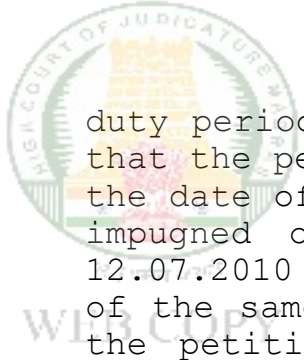
Additional Government Pleader

ORDER

The present Writ Petition is directed against the impugned order dated 26.08.2010 passed by the first respondent based on Na.Ka.No.3937/A1/2005 to quash the same as illegal with consequential direction to the respondents to provide all the consequential and monetary benefits to the petitioner as Middle School Head Master with effect from 13.07.2005 from the date his junior Mr.K.Marudha Nayakam was promoted as Middle School Headmaster.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.Sathish Kumar, learned Additional Government Pleader appearing for the respondents.

3.The crux of the claim of the petitioner is that the promotion granted by order dated 20.05.2010 ought to have been given with retrospective effect for the period from 13.04.2005 to 07.03.2008, when the petitioner was kept under suspension and subsequently, after revocation of suspension, the said period was to be treated as



duty period and it has been informed by proceedings dated 19.06.2009 that the petitioner would be granted promotion to the higher post on the date of which, his immediate Junior has been promoted. After the impugned order, the petitioner has made a representation dated 12.07.2010 and the same is yet to be disposed, despite the receipt of the same. A cryptic order was passed on 10.12.2010 stating that the petitioner is not entitled to get such relief as he is not worked during that relevant period, without even considering the representation dated 12.07.2010 made by the petitioner.

4. The learned counsel for the petitioner states that the petitioner had already made a representation dated 12.07.2010 against the impugned proceedings dated 26.08.2010 and further submits that it would suffice if the aforesaid representation of the petitioner is disposed expeditiously by the first respondent within a time frame fixed by this Court, though the petitioner has sought for a larger relief in the writ petition.

5. Hence, without any view expressed by this Court on the entitlement or correctness of the claim made by the petitioner, the first respondent is directed to consider the representation dated 12.07.2010 made by the petitioner and pass a reasoned order on merits in accordance with law on or before 31st December 2017 and communicate the same to the petitioner and file a report of compliance before the Registrar (Judicial) of this Court on or before 31.12.2017.

6. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary
Educational Officer,
Maruthu Pandiar Nagar, Sivagangai,
Sivagangai District.

2. The Assistant Elementary
Educational Officer, S.Pudur,
Sivagangai District.

3. The Registrar Judicial,
Madurai Bench.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 82189

+1cc to Mr. T. LAJAPATHI ROY Advocate in SR. No. 82071

NS

<https://hcservices.ecourts.gov.in/hcservices/>

JS/KK/SAR.1/23.10.2017/2P-6C

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