

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10379 of 2013

G.Ragothaman

.. Petitioner

..Vs..

1.The District Elementary Educational Officer,
Vellore District.

2.The Assistant Elementary Education Officer,
Wallaja West,
Vellore District.

3.The Additional Assistant Elementary Educational
Officer,
Wallaja West,
Vellore District.

4.T.Uma

5.V.John Samuel

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass order on the detailed representation of the petitioner dated 1.3.2013 in accordance with law.

For Petitioner : Mr.R.Venkatesan

For Respondents-1to3 : Mr.K.Karthikeyan,
Government Advocate.

For Respondents-4&5 : No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to consider the representation submitted by the writ petitioner on 1.3.2013.

2. The writ petitioner states that he entered into the services of the respondents on contract basis as a Secondary Grade Teacher and subsequently, appointed in the regular post. Though the writ petitioner is fully qualified for promotion to the post of Middle School Headmaster, his name was not considered on account of the pendency of the disciplinary proceedings.

3. The learned Government Advocate, appearing on behalf of the respondents, states that during the relevant point of time, a criminal case was pending against the writ petitioner and therefore, the name of the writ petitioner was deferred.

4. Only after the disposal of the criminal case, the case of the writ petitioner can be considered. This Court is of an opinion that an employee, who is facing criminal case or departmental disciplinary proceedings, is not entitled to get promotion. However, if such an employees are exonerated, both from the departmental disciplinary proceedings as well as the criminal case, then their case can be considered on par with their juniors.

5. Under these circumstances, those factual details are to be verified by the Competent Authorities and accordingly, suitable actions are to be initiated, considering the representation submitted by the writ petitioner on 1.3.2013.

6. In this view of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 1.3.2013 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and all other relevant documents along with the order passed in this writ petition.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The District Elementary Educational Officer,
Vellore District.

2.The Assistant Elementary Education Officer,
Wallaja West, Vellore District.

3.The Additional Assistant Elementary Educational
Officer,
Wallaja West,
Vellore District.

+1cc to Mr.R.Venkatesan , Advocate SR.No.73144
+1 CC TO GOVERNMENT PLEADER SR.NO. 73889

WP No.10379 of 2013

ASK(12/11/2018)



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