

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.15306 of 2016

T.Kumaravel

.. Petitioner

Versus

1.The Assistant Elementary Education Officer,
Anna Gramam,
Cuddalore District-607 112.

2.The District Elementary Education Officer,
Cuddalore.

3.The Director of Elementary School Education,
Chennai-600 006.

4.The Principal Secretary to Government,
School Education Department,
St. George Fort,
Chennai-600 009.

5.K.Natarajan

6.D.Sivakumar

7.E.Chitra

8.K.Thirumoorthy

9.S.Hema Sudha

10.S.Elavarasi

11.K.Kalpana Devi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records connected in the Proceedings Na.Ka.No.40/A4/2016 dated 06.02.2016 of the second respondent in rejecting the petitioner's request of original seniority by ordering to place the respondents 5 to 7 ahead of the petitioner's name and the

subsequent seniority list (altered) dated 22.01.2016 and the panel dated 06.02.2016 drawn based on the seniority list (altered) as on 01.01.2016 for the post of Head Master of the Middle Schools in the Annagramam Panchayat Union by the first and second respondents respectively and quash the same in so far as the petitioner's seniority being affected and further direct the first and second respondents to place the petitioner in the seniority list in Sl.No.3 instead of 10 and to include in the panel in Sl.No.1.

For Petitioner : Mr.R.Balaji

For Respondents: Mr.K.Karthikeyan,
Government Advocate for R1 to R4
Mr.G.Sankaran for R5 and R6
No appearance for R7 to R11

ORDER

The petitioner has come up with this writ petition challenging the Proceedings Na.Ka.No.40/A4/2016 dated 06.02.2016 passed by the second respondent and seeking a direction to the first and second respondents to place him in the seniority list in Sl.No.3 instead of 10 and to include in the panel in Sl.No.1.

2.The petitioner has averred in paragraph 13 of the affidavit that he approached the respondents 1 to 4 from 2010 onwards by giving representation dated 07.04.2014, which was recommended by the Assistant Elementary Education Officer, Anna Gramam, Cuddalore District, the first respondent herein to the District Elementary Education Officer, Cuddalore, the second respondent herein and the Director of Elementary School Education, Chennai, the third respondent herein issued orders on 09.09.2015 conceding his request, but, the second respondent in his order dated 06.02.2016 has rejected his claim by overlooking the orders passed by the third respondent. Therefore, the respondents 5 to 11 have been placed in the seniority list above his name and consequentially a panel was prepared excluding his name as against the order passed by the second respondent on 06.02.2016. Aggrieved by the said order, on 11.02.2016, he preferred an Appeal, which is pending before the third respondent. Since no order has been passed, he has come to this Court.

3.The learned Government Advocate appearing for respondents 1 to 4 submitted that the said Appeal filed by the petitioner before the third respondent is pending for consideration and the same will be considered and disposed of, on merits, within a period of three weeks.

4.Considering the submission made by the learned Government Advocate appearing for respondents 1 to 4, this Court hereby directs the third respondent to dispose of the Appeal dated 11.02.2016 filed by the petitioner and pass appropriate orders, on merits and in accordance with law, after giving notice to the petitioner and other contesting respondents, within a period of three weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Assistant Elementary Education Officer,
Anna Gramam,
Cuddalore District-607 112.

2.The District Elementary Education Officer,
Cuddalore.

3.The Director of Elementary School Education,
Chennai-600 006.

4.The Principal Secretary to Government,
School Education Department,
St. George Fort,
Chennai-600 009.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 82578

+1cc to Mr.R.Balaji, Advocate, S.R.No. 82678

+1cc to the Government Pleader, S.R.No. 82976

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MG(CO)
GN(20/12/2018)