

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3647 of 2018 and
WMP.Nos.4474 and 4475 of 2018

V.Geetha

...Petitioner

Versus

1. The Director of Elementary Educational Officer,
No.143, College Road,
Nungambakkam, Chennai-6.

2. The District Elementary Educational Officer,
Vellore District.

3. The Additional Assistant Elementary Educational
Officer, Gudiyattham, Vellore District.

4. P.Geetha

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records connected with the impugned order of promotion of the 4th respondent as Middle School Headmaster in Naa.Kaa.No.1289/A2/2017 dated 05.02.2018 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.B.N.Chandrasekar

For Respondents : Mrs.P.Rajalakshmi,

1 to 3 Additional Government Pleader

ORDER

Challenging the impugned Proceedings of promotion of the 4th respondent as Middle School Headmaster in Naa.Kaa.No.1289/A2/2017 dated 05.02.2018 issued by the 2nd respondent, the Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that before passing the impugned order of promotion of the 4th respondent from Primary School Headmistress to Middle School Headmistress, by the District Elementary Educational Officer, Vellore and reverting the petitioner from the post of Middle School Headmistress to Primary School Headmistress, a short notice calling for explanation as to why the petitioner should not be reverted or demoted to the post of Primary School Headmistress has not been given to her which is in violation of the principles of natural justice. However, the learned Counsel submitted that the 4th respondent P.Geetha was appointed as a Secondary Grade Teacher on 11.6.1985 three years prior to the petitioner who was appointed on 17.10.1988 as Middle School Teacher. Again, the learned Counsel fairly submitted that when the 4th respondent was promoted as Middle School Headmistress on 9.11.2011, whereas the petitioner was promoted to the post of Middle School Headmistress only on 9.11.2012. Therefore, when the 4th respondent was accommodated in the place in Thirumagal Mills Municipal Primary School, the petitioner also should have been

accommodated in an equal post without reverting her.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

4. This Court is unable to find any error of infirmity in the impugned order dated 05.02.2018 of the 2nd respondent except not issuing a show cause notice calling upon the petitioner to give her explanation as to why she should not be reverted to the post of Primary School Headmistress. Even there had been a notice issued to the petitioner, then also, no purpose is going to be served because it is only an eye wash or empty formality. Therefore, when it is the clear case that the petitioner is junior to the 4th respondent from day one, namely, from the date of appointment as Secondary Grade Teacher on 11.6.1985 whereas the petitioner was appointed as Middle School Teacher only on 17.10.1988 and consequently, when giving promotion to the post of Headmistress of Middle School, the 4th respondent P.Geetha was promoted on 9.11.2011 whereas the petitioner was promoted only on 9.11.2012. Therefore, the 2nd respondent has thought it fit to promote the 4th respondent by reverting the petitioner in the impugned order. Further, a perusal of the impugned order shows that only in the light of a direction issued by this Court in W.P.No.15689/2013 dated 20.03.2017, the 4th respondent, who is

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senior to the petitioner herein, has been promoted. But the said order copy has also been not filed by the petitioner. Therefore, this Court finds no merit in the Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

20.02.2018

Index:Yes/No

Internet:Yes/No

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To

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