

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.6764 of 2018

V.Vijendiran

... Petitioner

Vs

- 1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.
 2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
 3. The Joint Director of School Education (Personnel),
DPI Campus, College Road, Chennai-6.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the appeal petition submitted by the petitioner dated May, 2016 and to pass orders by granting declaration of probation for the petitioner on completion of 2 years of service as on 4.11.2009 with consequential promotion to the post of Assistant based on 2010 panel, with all consequential and other attendant benefits, within a time frame fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the appeal petition submitted by the petitioner dated May, 2016 and to pass orders by granting declaration of probation for the petitioner on completion of 2 years of service as on 4.11.2009 with consequential promotion to the post of Assistant based on

2010 panel, with all consequential and other attendant benefits, within a time frame fixed by this Court.

2. Learned Counsel for the petitioner submitted that the petitioner was initially appointed as Junior Assistant on compassionate ground on 5.11.2007 in Government Higher Secondary School, Devanur, Villupuram District. Subsequently, G.O.(3D) No.17, School Education Department, dated 27.2.2012 has been passed regularising his service from the date of his initial appointment and his probation also has been declared by G.O.(1D) No.90, School Education Department, 3.3.2016 as on 22.6.2015.

3. The learned Counsel for the petitioner further submitted that after passing the examination conducted on 22.6.2015, the petitioner was also given promotion to the post of Assistant only on 22.3.2016 though he is eligible to be promoted to the post of Assistant on declaration of his probation i.e. on completion of two years of service. But due to the delay in sending him for training, he has been given promotion belatedly for which he has filed an appeal petition before the 1st respondent in the month of May, 2016 stating that he is entitled for declaration of his probation on the normal date of completion of 2 years of service i.e. on as on 4.11.2009 with consequential promotion to the post of Assistant based on 2010 panel. Since there is no response for the said appeal, the petitioner sought that a direction may be issued to consider his appeal petition.

4. Mrs.P.Rajalakshmi, learned Additional Government Pleader who takes notice for the respondents sought for eight weeks time to consider the appeal petition of the petitioner by the 1st respondent.

5. Considering the facts and circumstance of the matter, the Writ Petition is disposed of by directing the 1st respondent to consider and pass orders on the pending Appeal Petition of the petitioner dated May, 2016, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.

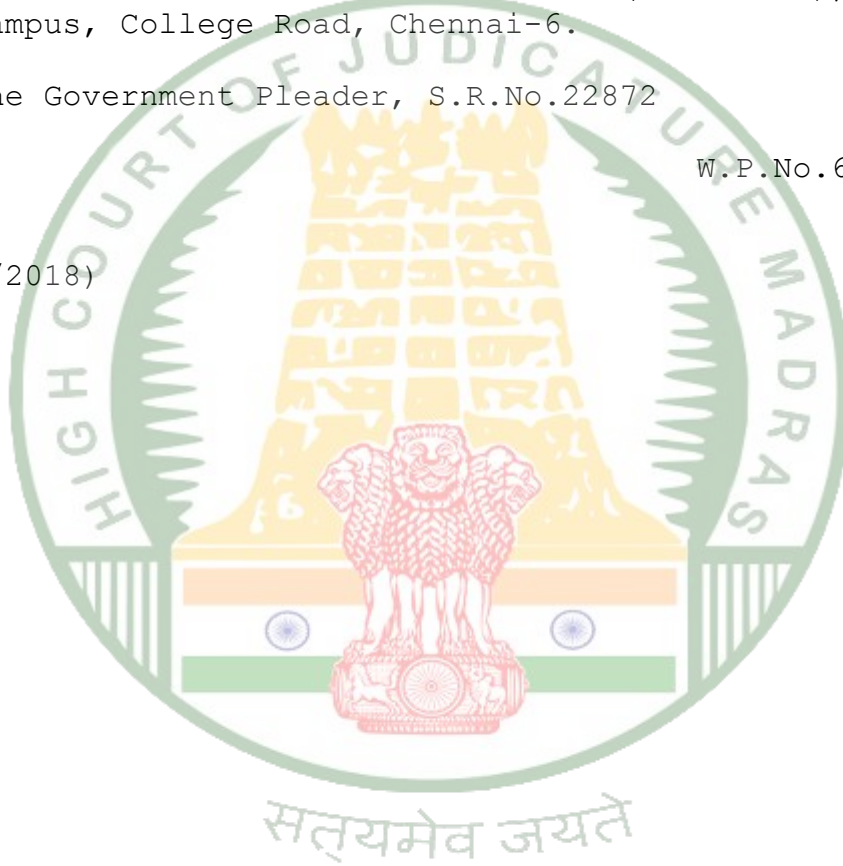
2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.

3. The Joint Director of School Education (Personnel),
DPI Campus, College Road, Chennai-6.

+1cc to the Government Pleader, S.R.No.22872

W.P.No.6764 of 2018

GSP(09/04/2018)



WEB COPY