

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.33965 of 2017

S.Chidambaram

...Petitioner

Versus

1. The Director of School Education,
College Road, Chennai-6.

2. The Chief Educational Officer,
Vellore, Vellore District.

3. The District Educational Officer,
Thirupattur-635 601,
Vellore District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 1st respondent passed in O.Mu.No.72603/W1/E1/2016 dated 26.12.2016 and quash the same and direct the 1st respondent to revise the petitioner's pay scale from July, 2011 onwards.

For Petitioner

: Mr.M.Thamizhavel

For Respondents

: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

Challenging the impugned order dated 26.12.2016 passed by the 1st respondent herein, namely, the Director of School Education, College Road, Chennai-6, rejecting the request of the petitioner to give him promotion to the post of Higher Secondary School Headmaster, the present Writ Petition has been filed.

2. According to the petitioner, he was appointed as B.T. Assistant on 9.2.1983 at K.V.Kuppam Government High School, Vellore District and after completion of 10 years, he was awarded with the benefit of Selection Grade in the said post on 09.02.1983 and after completion of another 10 years in the said post, he was also granted with the benefit of Special Grade on 09.02.2003. Subsequently, he was promoted as P.G. Assistant on 28.07.2006 and again after one year, he was further promoted to the post of High School Headmaster on 08.09.2007 at Melravandavadi High School, Thiruvannamalai District.

3. While so, the 1st respondent released the list for promotion to the post of Higher Secondary School Headmaster on 01.01.2011 and the name of the petitioner was found in Sl.No.94. In the meanwhile, the petitioner reached the age of superannuation on 30.09.2011 and he was also given extension of service till the end of the academic year i.e. up to 31.05.2012. When the petitioner was

enjoying the extension of service, the respondents for the reasons best known to them failed to conduct the promotional counselling citing administrative reasons and the same was held only on 30.10.2011. But the petitioner was not permitted to participate in the same citing the reason that the petitioner has already reached the age of superannuation on 30.09.2011 itself and thus, the respondents refused to give him the benefit of promotion. Therefore, the petitioner has filed the present Writ Petition to quash the impugned order of the 1st respondent dated 26.12.2016.

4. Reiterating the averments in the affidavit filed in support of the writ petition, the learned Counsel for the petitioner submitted that a direction be issued to the respondents to act on the basis of the promotional panel prepared on 01.01.2011.

5. Learned Special Government Pleader appearing for the respondents submitted that it is an admitted fact that the petitioner attained the age of superannuation on 30.09.2011. However, as per the settled legal position, he was also granted extension of service till 31.05.2012. In the meanwhile, the promotional counselling, which was held during October, 2011, has proceeded as though the petitioner reached the age of superannuation. Since the petitioner was continuing in the post only by extension of service, the impugned order has been passed rejecting his request.

T.RAJA, J.

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6. Considering the facts and circumstances of the matter, this Court is of the view that even extension of service also is a part of permanent service. Therefore, the impugned order passed by the 1st respondent dated 26.12.2016 is set aside and the respondents are directed to consider the case of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

03.01.2018

Index:Yes/No

Internet:Yes/No

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To

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