

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM

Hon'ble Mr. Justice SATRUGHANA PUJAHARI

W.P.No.23812 of 2018
in
W.M.P.No.27751 of 2018

T. Venkatesh
Assistant
O/o. Chief Education Officer
Collectorate
Salem - 636001

... Petitioner

vs.

1. Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.
2. The Director of School Education,
Directorate of School Education,
DPI Campus,
Chennai - 6.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus,
Chennai - 6.
4. The Chief Educational Officer,
O/o. Chief Education Office,
Collectorate,
Salem - 636 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents herein to regularise the services of the petitioner in the post of Assistant with effect from 30.09.2008 and to grant all consequential benefits including appropriate empanelment and promotion as Superintendent as on 15.03.2018 by including his name in the appropriate place in the regular panel

issued by the third respondent herein in his proceedings dated Na Ka No.014519/A3/C1/2018 dated 07.09.2018 and to grant him all consequential benefits in terms of the Order of the Joint Director of School Education (Personnel) i.e. the third respondent herein dated 24.05.2014 as reflected in the proceedings of the Chief Education Officer, Salem (Fourth Respondent), in Na Ka No.2268/A2/2014 dated 17.11.2014.

For Petitioner : Mr.M.Ravi
For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

Heard Mr.M.Ravi, the learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The case of the petitioner is that though, he was given promotion as an Assistant on 30.09.2008, with all consequential benefits including seniority in the appropriate place, but while preparing panel for promotion counselling to the post of Superintendent, he has not been placed in the appropriate place though included in the panel for promotion counselling. Hence, the petitioner has come forward to file the present writ petition seeking a direction to the respondents to place him in the appropriate place in the panel prepared for promotion counselling.

3. Mrs.P.Kavitha, the learned Government Advocate on instructions would submit that the petitioner has not been properly placed in the promotion counselling and as such, they will take all necessary steps but the petitioner must make a representation in this regard to the respondents.

4. The counsel for the petitioner submits that they will submit a representation in this regard to the respondents within two days from today.

5. In view of the aforesaid submissions, the writ petition stands closed, recording the aforesaid submissions of the counsel for the petitioner as well as the learned Government Advocate appearing for the respondents, with an observation that if such representation is made, the same shall be considered positively. However, it is made clear that when the petitioner is promoted, he must be promoted in the appropriate post taking note of his seniority. Since, the aforesaid order is passed in the presence of the counsel for the respondents, the

order may be communicated to the respondent/State by the counsel for the respondents. No costs. Consequently, connected miscellaneous writ petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamil Nadu
Rep. By Principal Secretary to Government,
School Education Department
Secretariat,
Chennai - 9.
2. The Director of School Education
Directorate of School Education
DPI Campus,
Chennai - 6.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus,
Chennai - 6.
4. The Chief Education Officer,
O/o. Chief Education Office,
Collectorate,
Salem - 636 001.

+1cc to Mr.M.Ravi, Advocate, S.R.No.63688

+1cc to the Government Pleader, S.R.No.64192

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in

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KAN(CO)
GSP(03/10/2018)