

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.13892 of 2018 and WMP.16421 of 2018

E.Francis Charles

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Petitioner

Vs

- 1.The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
3. The District Elementary Education Officer,
Coimbatore District,
Coimbatore.
4. The Assistant Elementary Education Officer,
Valparai, Coimbatore District. Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the respondents to consider the representations submitted by the petitioner dated 30.01.2018 and 02.05.2018 and to revise the seniority of the petitioner in the post of Middle School Headmaster with effect from 10.03.2006 on which date the Aided School was taken over by the Education Department by considering the consent letter submitted by the petitioner dated 10.03.2006 with consequential promotion to the post of Assistant Elementary Educational Officer by transfer in the existing vacancy in Coimbatore District within a time frame to be fixed by this Court.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
for A.Tamilarasan

For Respondents : Mr.C.Munusamy,
Special Government Pleader for
R1 to R4

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. It appears that the petitioner who was working in a private school. Though, the school was taken over by the Government in the year 11.03.2006 vide GO Ms.No.319 of School Education Department dated 31.12.2012. Since the school was surrendered by the Private Management on 10.03.2006 and as such, based on the letter submitted by the petitioner to reckon seniority from year 2006, a proposal has been forward to the 2nd respondent as per proceedings in Na.Ka.No.37 /A1/2006 dated 15.03.2006 to fix his seniority and no further orders have been passed by the 1st and 2nd respondent on the proposal forwarded by the 3rd respondent. While that being so, the 1st respondent issued an order dated 10.06.2006 stating that seniority in the post of Middle School Headmaster can be fixed only from the date of issue of the above said Government Order and not from the actual date. Meanwhile, the 2nd respondent has issued an orders in Na.Ka.No.007708/t1/2018 dated 01.06.2018 for conducting promotion counseling for the year 2018 and as per the tabulation, the promotion for counseling for the post of Assistant Elementary Education Officer is going to be held on 11.06.2018. The petitioner in this regard has submitted a representation dated 30.01.2018 and 02.05.2018 to fix his seniority. Accordingly, the same having been rejected, challenging the same, the petitioner filed an WP No.3027 of 2018, wherein, notice has been issued and the matter is pending. In the meantime, the petitioner has filed this writ petition along with miscellaneous petition, seeking for a direction to allow him to participate in the counseling , pending disposal of the main writ petition.

3. Heard the submission of learned counsel appearing for the petitioner, so also, the learned counsel appearing for the respondent.

4. Considering the fact that this Court has not passed any interim order in the aforesaid writ petition with regard to counselling. Hence, this Court is not inclined to maintain this writ petition seeking the aforesaid prayer and as such, dispose of this writ petitioner with an observation that if any counseling and promotion made shall be subject to the outcome of the WP No.3027 of 2018.

5. With the aforesaid order, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition also stands closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
3. The District Elementary Education Officer,
Coimbatore District,
Coimbatore.
4. The Assistant Elementary Education Officer,
Valparai, Coimbatore District.

+1cc to Mr.A.Tamilarasan, Advocate, S.R.No.36151
+1cc to the Government Pleader, S.R.No.36055, 36287

W.P.No.13892 of 2018

CS/19/06/18

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