

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.25416 of 2012

M.Sundaravadivel

.. Petitioner

Vs.

1.State of Tamil Nadu

rep. by the Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai 600 009.

2.The Director of Technical Education,
Gunidy, Chennai - 24

3.The Principal,

Sri Ramakrishna Mission
Vidyalaya Polytechnic College,
Coimbatore - 20.

... Respondents

Prayer : Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to promote the petitioner to the post of instructor in the third respondent Polytechnic College based on G.O.Ms.No.95, Higher Education (C1) Department, dated 26.03.2008 with all attendant benefits.

For Petitioner : M/s.Swathi Subramaniam for
Sasikala Subramaniam

For Respondents 1 & 2 : Mr.C.Munuswamy, SPL.G.P.

For Respondent-3 : Mr.M.Sriram

O R D E R

The petitioner has approached this court seeking a direction to direct the respondents to promote the petitioner to the post of instructor in the third respondent Polytechnic College based on G.O.Ms.No.95, Higher Education (C1) Department, dated 26.03.2008 with all attendant benefits.

2. The petitioner was appointed as Skilled Assistant in the third respondent College on 15.07.1996 and continuing in the said post with Selection Grade. During his period of employment, the petitioner appeared to have completed B.E.degree in Mechanical Engineering and M.E. post graduate

degree in Industrial Metallurgy. According to him, on acquiring the said degrees, he became qualified for promotion to the post of instructors/lecturer.

3. It is the case of the petitioner that in pursuance to the certain directions issued by this Court, Government has passed G.O.Ms.No.95, Higher Education Department, dated 26.03.2008 promoting certain persons as instructors and approved their promotions. According to the petitioner, the eligible persons were promoted as instructors in aided Polytechnic Institutions.

4. In the above circumstances, the petitioner has submitted a representation to the second respondent on 22.12.2011, 24.04.2012 and 24.07.2012. However, all the representations did not evoke any response. Therefore, the petitioner has approached this Court seeking for a mandamus to consider him for the promotion to the post of instructors/lecturers in terms of the aforesaid G.O.Ms.No.95 Higher Education Department, dated 26.03.2008.

5. Upon notice, the learned Special Government Pleader entered appearance and the second respondent has filed the counter affidavit.

6. When the writ petition was taken up for hearing, learned counsel appearing for the petitioner would submit that the first and second respondent may be directed to dispose of the representations made by the petitioner in terms of Government Orders and instructions issued on the subject matter within a stipulated time. Since the relief sought by the counsel cannot have any valid objection from the counsel appearing for the respondents, this Court directs the first and second respondent to dispose of the representations said to have been made by the petitioner seeking to grant of promotion to the post of instructors/lecturers in terms of the aforesaid Government Order and also any other instructions issued on the subject matter. The respondent, competent authority shall dispose of the representations on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order and communicate the same to the petitioner.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

smi

To,

1. The Secretary to Government,
State of Tamil Nadu
Higher Education Department,
Fort St. George, Chennai 600 009.

2.The Director of Technical Education,
Guindy, Chennai - 24

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.40529

+1cc to the Government Pleader, S.R.No.41408

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BR(CO)
SMI/07.08.2018



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