

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31818 of 2018
and W.M.P.No.37051 of 2018

F.Christu Dhas

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Joint Director of School Education,
(Higher Secondary), College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Thanjavur, Thanjavur District.
5. The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.
6. The District Educational Officer,
Pattukottai,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the 3rd respondent to give transfer to the petitioner to any one of the existing vacant posts of PG Assistants (Commerce) in the District of Kanyakumari on the basis of his seniority in the cadre of BT Assistant as on 01.01.2018 by considering his representation dated 03.09.2018.

For Petitioner : M/s.H.Mary Sowmi Rexi

For Respondents : Mrs. P.Kavitha,
Government Advocate

O R D E R

The petitioner was initially appointed as B.T.Assistant (Maths) on 19.10.2006 and he was posted at Panchayat Union Middle School, Veerakal Koothampatti, Dindigul District and thereafter, he was transferred to the Government High School, Villukuri, Kanyakumari District on 31.08.2010 on the basis of general transfer counselling. Now, the petitioner is promoted as PG Assistant (Commerce) and posted at Government Boys Higher Secondary School, Peravoornai at Thanjavur District.

2. It is the grievance of the petitioner that there being seven posts of PG Assistant vacant in Kannyakumari District, he, being in the Rank No.2, was not considered for the said post and his request was denied by the respondents on the ground that there was no vacancy in the said District. He made a representation dated 03.09.2018 to the 3rd respondent seeking promotion to any one of the existing vacant posts of PG Assistants (Commerce) in the District of Kanyakumari on the basis of his seniority in the cadre of BT Assistant as on 01.01.2018. But, the said representation has not been considered by the respondent. Hence, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner has not joined in the promotion post.

4. The learned counsel appearing for the petitioner submitted that the petitioner has already joined in the promotion post. However, it is prayed that it would suffice, if the petitioner's representation dated 03.09.2018 is directed to be considered by the 3rd respondent within a stipulated time.

5. In view of the limited prayer sought for, this Court, without going into the merits of this case, directs the 3rd respondent to consider the representation of the petitioner dated 03.09.2018 and to pass orders thereon, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Joint Director of School Education,
(Higher Secondary), College Road,
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Kanyakumari District at Nagercoil,
Kanyakumari District.
6. The District Educational Officer,
Pattukottai, Thanjavur District.

+1 cc to M/s.H.Mary Sowmi Rexi, Advocate Sr.No.82382

+1 cc to The Government Pleader, SR.No.82983

SR(CO)
CSL/07.01.2019

W.P.No.31818 of 2018

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