

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31821 of 2018
and W.M.P.No.37055 of 2018

P.Bennet Jose

... 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.
- सत्यमेव जयते ... 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 30.08.2018 and 05.11.2018.

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

For Respondents : Mrs.P.Kavitha,
Government Advocate for R1 to R6

O R D E R

The petitioner was initially appointed as Secondary Grade Teacher on 31.07.1995 and posted at Government Primary School, Kesavapuram, Kanyakumari District and subsequently, he was promoted as B.T.Assistant (Maths) on 14.07.2008 and posted at Government High School, Pottal Pudur, Tirunelveli District. Now, he is promoted as PG Assistant (Commerce) and posted at Government Girls Higher Secondary School, Madukkur, Thanjavur District.

2. It is the grievance of the petitioner that there being seven posts of PG Assistant vacant in Kanyakumari District, he, being in the Rank No.3, 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 representations dated 30.08.2018 and 05.11.2018 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 representations have not been considered by the respondent. Hence, the present writ petition has been filed.

3. The learned Government Advocate appearing for the petitioner 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 representations dated 30.08.2018 and 05.11.2018 are 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 05.11.2018 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,
Chennai - 600 006.
4. The Chief Educational Officer,
Thanjavur, Thanjavur District.
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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.82833
+1 cc to The Government Pleader, Sr.No.82981

W.P.No.31821 of 2018

SR(CO)
CSL/07.01.2019

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