

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.32705 of 2018

E.Balaraman

... Petitioner

...vs...

1 The State of Tamil Nadu
Rep by its Principal Secretary to Government
School Education Department Secretariat
Fort.St.George Chennai-600 009

2 The Director of School Education
DPI Campus College Road Chennai-600 006

3 The Chief Educational Officer
Thiruvannamalai District Thiruvannamalai

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pass orders for granting promotion to the Petitioner in the post of High School Headmaster on par with juniors by considering the representation/objection submitted by the Petitioner dated 06.08.2018 with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner : Mr. G.Sankaran

For Respondents : Mrs. P.Kavitha, Govt. Advocate.

O R D E R

This writ petition has been filed by the petitioner seeking directions to the respondents to promote the petitioner in the post of High School Headmaster, on par with his juniors, by considering the representation / objection submitted by the

Petitioner dated 06.08.2018 with all consequential and other attendant benefits within a time frame to be fixed by this Court.

2. Mrs.P.Kavitha, learned Government Advocate, takes notice for the respondents. With consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was initially appointed as secondary grade teacher on 29.09.1986. Thereafter, promoted as B.T.Assistant on 09.09.2002 and as P.G.Assistant on 26.08.2015. She is entitled for promotion to the post of High school headmaster, based on B.T.Assistant seniority. The respondents are not publishing any seniority list in the post of B.T.Assistant.

4. The second respondent published the panel for the promotion to the post of high school headmaster, duly communicated by the third respondent, vide the proceedings dated 03.08.2018. In the seniority list, the petitioner's name is included in Serial No.3170, whereas it is found that the number of persons, who have been appointed subsequent to him on 03.10.2002 and other subsequent dates have been included over and above the name of the petitioner.

5. As per Rule 35(aa) of the General Rules, the seniority of a person in a service, clause, category or grade, shall, where normal method of recruitment to that service clause, category or grade is by more than one method of recruitment, be determined, with reference to the date on which he is appointed to the services, clause, grade or category.

6. It is the contention of the learned counsel appearing for the petitioner that when more than one method of recruitment to a post is done, the seniority should be determined with reference to the date of appointment to the post.

6.1. Claiming that 38 persons who are juniors to the petitioner had been promoted and therefore, the petitioner is also entitled for promotion on the date on which his juniors were promoted and enclosing the list of those persons promoted, the petitioner has submitted the representation, dated 06.08.2018. As his representation is not considered, this writ petition has been filed by the petitioner.

7. Having regard to the limited scope of the prayer, the second respondent is directed to consider the representation of the petitioner, dated 06.08.2018 and to pass appropriate orders,

in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srk

To

1 The Principal Secretary to Government, State of Tamil Nadu
School Education Department Secretariat
Fort.St.George Chennai-600 009

2 The Director of School Education
DPI Campus College Road Chennai-600 006

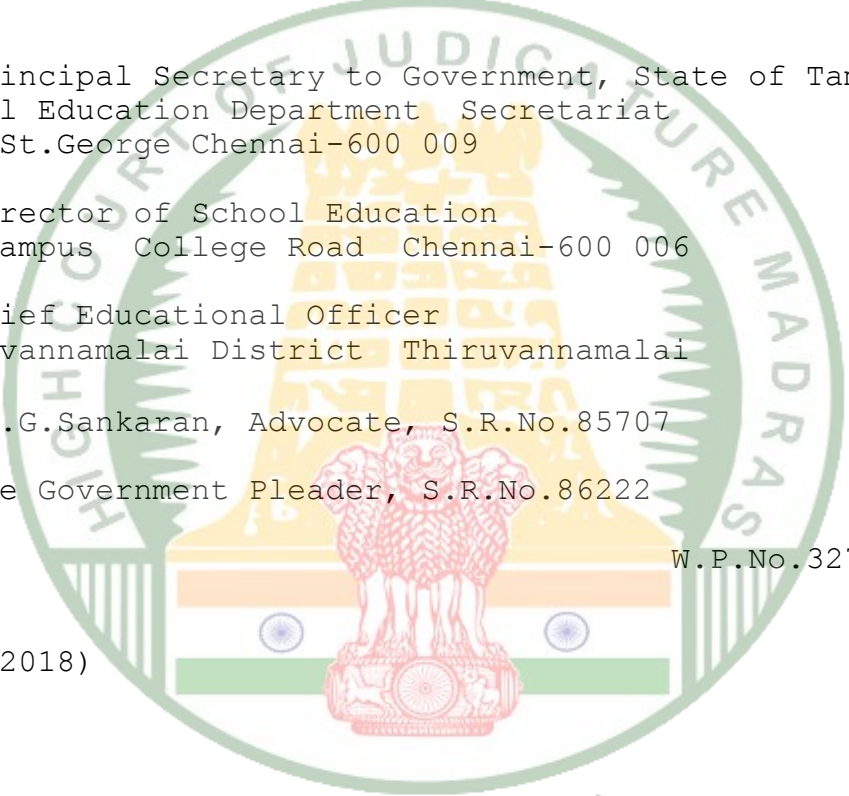
3 The Chief Educational Officer
Thiruvannamalai District Thiruvannamalai

+1cc to Mr.G.Sankaran, Advocate, S.R.No.85707

+1cc to the Government Pleader, S.R.No.86222

W.P.No.32705 of 2018

MP (CO)
GSP (30/01/2018)



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