

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No. 33204 of 2018 and W.M.P.No.38537 of 2018

C.Ganesan

.... Petitioner

Vs

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The Joint Director(Higher Secondary),
DPI Campus, College Road,
Chennai-600 006.
- 3.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai-600 006.
- 4.The Chief Educational Officer,
Vellore District, Vellore. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to promote the petitioner as PG Assistant in any one of the Higher Secondary Schools in the State of Tamil Nadu by inclusion of the name of the petitioner in the panel of BT Assistants fit for promotion as PG Assistant for the year 2018-19 with all consequential benefits within a time frame to be fixed by this Hon'ble Court taking note of the fact that as on date the petitioner is not under any punishment under the Tamil Nadu Civil Services(Discipline and Appeal) Rules.

For Petitioner : Mrs.Nalini Chidambaram-Senior Counsel
For C.Uma
For Respondents : Mrs.P.Kavitha-Government Advocate

O R D E R

This writ petition has been filed seeking direction to the second respondent to promote the petitioner as PG Assistant in any one of the Higher Secondary Schools by inclusion in the panel of BT Assistants fit for promotion as PG Assistant for the year 2018-19 with all consequential benefits, based on the

recommendation of the Headmaster.

2. The brief facts leading to the filing of the writ petition is as follows. The petitioner was initially appointed as Secondary Grade Teacher on 10.12.1990. He was promoted to the post of BT Assistant (Tamil) on 06.01.2006 and thereafter he was transferred to Government Girls Higher Secondary School, Natrampally, Vellore on 02.08.2010. A charge memo dated 31.03.2016 was issued against the petitioner by the third respondent. Thereafter, enquiry was conducted on the charges, but no orders were passed. By the proceedings dated 06.01.2018, the fourth respondent called for proforma particulars for the individuals eligible to be included in the panel. The petitioner's name was not included in the panel due to pendency of charge memo framed against the petitioner by the third respondent dated 31.03.2016. Aggrieved over the pendency of the charge memo, the petitioner filed W.P.No.17267 of 2018. Pending the said writ petition, the fourth respondent herein passed proceedings dated 30.07.2018, holding that during the enquiry, no fault has been proved by the School Headmaster and that therefore the charges against the petitioner was not proved, but a punishment of censure was imposed on the petitioner.

3. Learned counsel for the petitioner submits that thereafter, the petitioner sought for review of the order dated 30.07.2018 before the fourth respondent. The petitioner was advised to withdraw the writ petition No.17267 of 2018, and accordingly, the petitioner withdrew the abovesaid writ petition. On 18.09.2018, upon the representation of the petitioner, the fourth respondent passed an order in exercise of power under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, exonerating the petitioner totally from the charges. A certificate dated 27.11.2018 was issued by the Headmaster, Government Girls Higher Secondary School, Natrampally, Vellore District stating that there is no punishment as on date against the petitioner, and certifying that the petitioner is eligible to be promoted as PG Assistant (Tamil and Economics). The grievance of the petitioner is that in the list of BT Assistants fit for promotion as PG Assistant for the year 2018-19, his name is not included, even though the Headmaster of the school where the petitioner is currently working has given a certificate dated 27.11.2018, recommending the name of the petitioner for being included in the promotion.

4. Considering the facts and circumstances of the case and the nature of the relief sought for, the fourth respondent is directed to consider the recommendation of the Headmaster dated 27.11.2018 and to pass orders as expeditiously possible, in any event before the finalisation of the list of persons eligible for promotion. With the above direction, the writ petition is

disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kst

To

- 1.The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
- 2.The Joint Director (Higher Secondary),
DPI Campus, College Road, Chennai-600 006.
- 3.The Joint Director of School Education (Personnel),
DPI Campus, College Road, Chennai-600 006.
- 4.The Chief Educational Officer,
Vellore District, Vellore.

+1cc to Mr.C.Uma, Advocate, S.R.No. 88111
+1cc to the Government Pleader, S.R.No. 88978

W.P.No. 33204 of 2018

RJI (CO)
GN (26/12/2018)

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