



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.9657 of 2018

R.Sudalaimani

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep by its Principal Secretary,
School Education Department,
Secretariat, Chennai.

2.The Director of Elementary Education,
O/o.Director of Elementary Education,
DPI Compound, Nungambakkam,
Chennai-600 006.

3.The District Elementary Educational Officer,
O/o. The District Elementary Educational Officer,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to provide notional promotion to the petitioner for the post of High School Headmaster from the panel year 2016 with all consequential monetary benefits by considering the representation dated 12.12.2017 within the time stipulated by this Court.

For Petitioner

: Mr.I.Pinaygash

For Respondents

: Mrs.S.Srimathy

Special Government Pleader

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, to direct the respondents to provide notional promotion to the petitioner for the post of High School Headmaster from the panel year 2016 with all consequential monetary benefits by considering the representation dated 12.12.2017 within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices> Mr.I.Pinaygash, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader, who accepts notice on behalf of the respondents.



3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner would submit that though a punishment of stoppage of increment was imposed against the petitioner, the said punishments were set aside by order of this Court made in W.P(MD).No.19706 of 2015 dated 02.08.2017 in the matter of **R.Sudalaimani Vs. State of Tamilnadu represented by its Principal Secretary, School Education Department and two others.**

5. Merely because of the said punishment, the petitioner though otherwise eligible to be included in the panel for the promotion to the post of High School Headmaster for the year 2016, his name was included neither in the year 2016 panel nor in the year 2017 panel. Since the said punishment, having been set aside by the orders of this Court dated 02.08.2017, as against which, admittedly, there is no appeal filed by the respondents, there can be no further impediment for the respondents to include the name of the petitioner in the panel of High School Headmaster for the year 2016 notionally and confer the benefits thereon.

6. The learned counsel would further submit in this regard, even though representation has been given by the petitioner on 12.12.2017 to the respondent (i.e) first respondent through second and third respondents, nothing was forthcoming from the respondents so far. Therefore, the petitioner is before this Court with this writ petition.

7. The learned counsel for the petitioner would further submit that in the said circumstances, if the petitioner's representation dated 12.12.2017 is directed to be considered and an order to that effect is directed to be passed within a time frame that may be fixed by this Court, the petitioner would be satisfied.

8. I have heard the learned Special Government Pleader in this regard, who would submit that the representation made by the petitioner dated 12.12.2017 shall be considered by the respondent on merits and in accordance with law and an order to that effect would be passed within the time frame that would be fixed by this Court.

9. Considering the said submissions made by both side, the Writ Petition is disposed of with following direction:-

The first respondent is directed to consider the representation of the petitioner, dated 12.12.2017 with regard to his grievance of notional promotion to the post of High School



Headmaster from the year 2016, in view of the punishment inflicted against him having been set aside by this Court by order dated 02.08.2017 in WP(MD).No.19706 of 2015 and pass a reasoned order thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

rmk/RR

To

- 1.The Principal Secretary,
School Education Department,
Secretariat, Chennai.
- 2.The Director of Elementary Education,
O/o. Directorate of Elementary Education,
DPI Compound, Nungambakkam,
Chennai-600 006.
- 3.The District Elementary Educational Officer,
O/o. The District Elementary Educational Officer,
Thoothukudi District.

+1 cc to MR.I.PINAYAGASH, Advocate SR.No.63829

+1 cc to Special Government Pleader SR.No.64098

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SMA/SV-MMS/SAR-2/30.05.2018:3P/6C