



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3210 of 2018

and

W.M.P (MD) Nos. 3376 and 3377 of 2018

Krishna Leela

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Secretary,
Department of Adi Dravidar Welfare,
Fort St. George,
Chennai-9.

2. The Commissioner,
Adhi Dravidar Welfare Department,
Chepauk,
Chennai.

3. The District Adi Dravidar Welfare Officer,
District Adhi Dravidar Welfare Office,
Tanjore.

4. The Special Tahsildhar,
Adhi Dravidar Welfare Department,
Pattukkottai,
Thanjavur District.

5. Inba Jothi

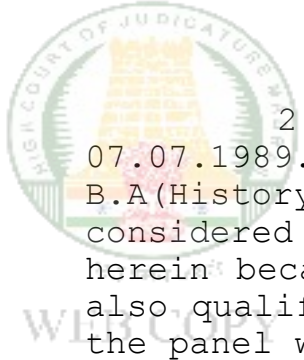
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order of the third respondent in his proceedings in Na.Ka.No.7972/2017/M5 dated 17.08.2017 and quash the same as illegal and consequently, directing the respondents 1 to 4 to promote the petitioner to the post of B.T Assistant with all monitory benefits.

For Petitioners	: Mr. D. Anbarasu
For R1 to R4	: Mrs. S. Srimathy
	Special Government Pleader
For R5	: Mr. C. Prakasam

ORDER

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



2.The writ petitioner became Secondary Grade Teacher on 07.07.1989. The petitioner acquired higher qualifications such as B.A(History), M.A.(Philosophy) and B.Ed., She is now eligible to be considered for the post of B.T.(Assistant). The fifth respondent herein became a Secondary Grade Teacher in the year 1998. She is also qualified to be appointed as a B.T.(Assistant). In fact, when the panel was prepared in the year 2009, it was the fifth respondent who alone figured as an eligible candidate and the writ petitioner did not figure therein. But the fifth respondent could not be given any promotion, since some charges were pending against her. Subsequently, she was exonerated. A vacancy in the post of B.T. (Assistant) arose in the year 2017. The fifth respondent filed W.P. (MD)No.11701 of 2017 before this Court and direction was given for consideration of the petitioner's representation dated 26.07.2016. Pursuant to the said direction given by this Court, the fifth respondent herein was promoted as B.T.(Assistant) by order dated 17.08.2017. The same is assailed in this writ petition.

3.The learned counsel appearing for the writ petitioner would submit that in the panel prepared during the year 2015, the writ petitioner was shown as ranking above the fifth respondent. Therefore, without considering her case, the fifth respondent could not have been given such promotion.

4.A mere look at the impugned order does not indicate that the case of the writ petitioner was ever considered. Even though, it is submitted by the learned counsel for the fifth respondent that in the panel prepared in the year 2009, the fifth respondent alone figured as an eligible candidate, the petitioner does not figure as an eligible candidate, in the subsequent panels, the writ petitioner was shown as senior to the fifth respondent. Therefore, the third respondent ought to have considered the petitioner along with the fifth respondent. Since the writ petitioner's case was ignored and passed over, the impugned order in this writ petition is liable to be quashed.

5.The matter is remitted to the file of the third respondent. The third respondent will consider the cases of both the writ petitioner and the fifth respondent and thereafter, pass appropriate order on merits and in accordance with law. The said order shall be passed within a period of six weeks from the date of receipt of a copy of this order. The writ petition is allowed accordingly. No costs. Consequently, connected W.M.P (MD) Nos.3376 and 3377 of 2018 are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary,
Department of Adi Dravidar Welfare,
Fort St.George,
Chennai-9.

2.The Commissioner,
Adhi Dravidar Welfare Department,
Chepauk,
Chennai.

3.The District Adi Dravidar Welfare Officer,
District Adhi Dravidar Welfare Office,
Tanjore.

4.The Special Tahsildhar,
Adhi Dravidar Welfare Department,
Pattukkottai,
Thanjavur District.

+1CC to Special Government Pleader in SR.No.56476.

+1CC to Mr.D.Anbarasu Advocate in SR.No.55894.

+1CC to Mr.C.Prakasam Advocate in SR.No.56332.

RMI

DS/KKR/SAR-2 :03.07.2018: 3P/8C

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