



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9311 of 2018

and

W.M.P.(MD)No.8619 of 2018

S.Thangavel

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented 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.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent for promotion to the post of Higher Secondary School Headmaster by reckoning seniority from the date of the petitioner's initial appointment to the post of PG Assistant on 09.10.1997 as per Teacher Recruitment Board and consequently promote the petitioner to the post of Higher Secondary School Headmaster with all consequential and other attendant benefits.

For Petitioner : Mr.F.Deepak
For R1 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the respondent to consider the petitioner for promotion to the post of Higher Secondary School Headmaster by reckoning seniority from the date of the petitioner's initial appointment to the post of PG Assistant on 09.10.1997 as per Teacher Recruitment Board and consequently promote the petitioner to the post of Higher Secondary School Headmaster with all consequential and other attendant benefits.

2.Heard Mr.F.Deepak, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader, who accepts notice on behalf of the first respondent.



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 such a larger prayer has been sought in this writ petition, the petitioner would be confined with his prayer that his request for promotion to the post of Higher Secondary School Headmaster given in format by way of annexure as on 01.01.2018 forwarded by the Headmaster concerned, where the petitioner is working, to the Chief Educational Officer, Dindigul, who is the Chief Educational Officer, Dindigul, in turn, has forwarded the same to the second respondent and on receipt of the same, the second respondent has to pass orders. Therefore, if a direction to that effect is given, the petitioner would be satisfied.

5. I have heard the learned Special Government Pleader appearing for the first respondent in this regard.

6. Since the request of the petitioner seeking for promotion to the post of Higher Secondary School Headmaster given in the format having been duly forwarded by the Headmaster concerned to the office of the Chief Educational Officer, Dindigul on 22.01.2018 and the same is yet to be decided by the second respondent, this Court is inclined to pass the following order:-

"that the second respondent shall take into account the request of the petitioner forwarded by the concerned school Headmaster as on 01.01.2018 and pass orders 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. The petitioner shall give a copy of this recommended format made by the Headmaster along with his detailed representation immediately i.e., within a period of one week from the date of receipt of a copy of this order. On receipt of such copy of the format under annexure 1 along with the representation of the petitioner, needful as directed, to be done by the second respondent, within the time stipulated as above."

7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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.

+1cc to Mr.F.Deepak, Advocate, SR.No.63934

+1cc to M/s.Special Government Pleader,SR.No.64092

W.P (MD) No.9311 of 2018
25.04.2018

MYR

KK/SV MMS/28.04.2018/SAR-4/3P-5C