



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.10653 of 2018

and

W.M.P (MD) Nos.9735, 9736 & 9737 of 2018

WEB COPY

M.Baning Durairaj

... Petitioner

vs.

1.The Principal Secretary to Government
School Education Department
Secretariat, St.George Fort, Chennai

2.The Director of Elementary
Education Department
DPI Campus, College Road, Chennai

3.The District Elementary
Education Officer
Ramanathapuram
Ramanathapuram District

4.The Assistant Elementary
Educational Officer
Thiruvadanai
Ramanathapuram District

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned promotional panel list for the post of Primary School Headmaster in Tiruvadanai Union, Ramanathapuram District as on 01.01.2018 issued by the fourth respondent and quash the same and consequently direct the respondents 3 and 4 to issue fresh promotional panel list by including the name of writ petitioner within a specified time.

For Petitioner : Mr.S.Manikandan

For Respondents : Mrs.Srimathi
Special Government Pleader

O R D E R



2. Heard the learned counsel on either side.

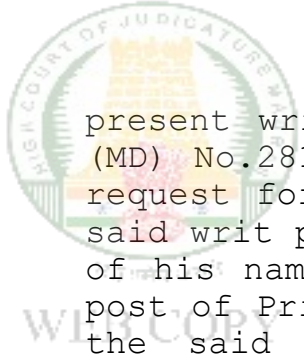
3. The petitioner was appointed as a Secondary Grade Teacher on 18.01.1999. He was promoted as B.T.Assistant (Tamil) on 15.11.2012. The petitioner subsequently wanted reversion to the post of Secondary Grade Teacher from the post of B.T.Assistant (Tamil). He gave a representation, dated 18.08.2017, in this regard. Since it was not considered, he filed a writ petition in W.P.(MD) No.2817 of 2018 for directing the Authorities to consider his request for reversion to the post of Secondary Grade Teacher from the post of B.T.Assistant (Tamil). In the said writ petition, there is a consequential prayer for inclusion of his name in the promotion panel list to be prepared for the post of Primary School Headmaster as on 01.01.2018. The said writ petition is admittedly still pending before this Court and no final orders have been passed in the said writ petition. Likewise, the Authorities have also not passed any orders on the petitioner's request for reversion to the post of Secondary Grade Teacher. In the meanwhile, the impugned promotion panel list for the post of Primary School Headmaster in Thiruvadanai Union, Ramanathapuram District, as on 01.01.2018, has been issued by the fourth respondent herein. The said promotion panel list is under challenge in this writ petition.

4. The learned counsel appearing for the petitioner submitted that the fourth respondent had acted arbitrarily by preparing the impugned promotion panel list without taking note of the pendency of W.P.(MD) No.2817 of 2018. He also drew the attention of this Court to the order passed in the case of another candidate for reversion.

5. As rightly pointed out by the learned Special Government Pleader appearing for the respondents, this writ petition is liable to be dismissed for more reasons than one. The petitioner seeks to quash the impugned promotion panel list. In the impugned promotion panel list, there are as many as eight candidates, who have been empaneled. If this Court quashes the impugned promotion panel list, they would certainly be affected. In any event they are stakeholders. The petitioner for the reasons best known to him has chosen not to make them as party respondents in this writ petition. Therefore, this Court is of the view that this writ petition is liable to be dismissed on the ground of non-joinder of necessary parties.

6. Secondly, only those, who are working as Secondary Grade Teachers, are eligible to be empaneled for promotion to the post of Primary School Headmaster. Admittedly, as on date, the writ petitioner is not a Secondary Grade Teacher and still he is working as B.T.Assistant (Tamil). Therefore, non-consideration of the petitioner in the impugned promotion panel cannot be said to be incorrect.

7. Thirdly, the writ petitioner ought not to have filed the



present writ petition. As pointed out earlier, he has filed W.P. (MD) No.2817 of 2018 for directing the Authorities to consider his request for reversion to the post of Secondary Grade Teacher. The said writ petition contains a consequential prayer seeking inclusion of his name in the promotion panel list dated 01.01.2018, for the post of Primary School Headmaster. This Court is yet to dispose of the said writ petition. In other words, the rights of the petitioner are yet to be adjudicated. Therefore, it is not open to the petitioner to file one more writ petition, in which the consequential prayer remains the same. When the earlier writ petition seeking the very same relief is yet to be disposed of, without withdrawing the same, the present writ petition could not have been filed.

8. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer (RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary to Government
School Education Department,
Secretariat, St.George Fort, Chennai.
2. The Director of Elementary
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Ramanathapuram District.
4. The Assistant Elementary Educational Officer,
Thiruvadanai,
Ramanathapuram District.

+1CC to Mr.S.Manikandan Advocate in SR.No.65246,
+1CC to Special Government Pleader in SR.No.65297.

KRK
DS/RSK/SAR1 :17.05.2018: 3P/7C

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