



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.06.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12288 of 2018

and

W.M.P.(MD) No.11164 of 2018

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R.Mariraj,
B.T.Assistant (Science),
Madurai West Panchayat Union Middle School,
Sikkandarchavadi,
Madurai 625 018

...Petitioner

Vs.,

- 1) The Director of Elementary Education,
DPI Complex,
College Road,
Chennai 600 006.
- 2) The Chief Educational Officer,
Madurai District,
Madurai.
- 3) The District Educational Officer,
(Formerly District Elementary Educational Officer)
R.M.S. Road,
Madurai 625 001
- 4) The Block Educational Officer,
(Formerly Additional Assistant Educational Officer),
Madurai West,
Anaiyur, Madurai 625 017
- 5) Tmt.C.Malarvizhi,
Tamil Pandit,
Panchayat Union Middle School,
Vilangudi,
Madurai 625 018

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing, the respondents 1 to 4 to promote the petitioner to the post of Middle School Headmaster in any one of the two vacancies of the Middle School Headmaster in Madurai West Panchayat Union during the counselling to be held on 12.06.2018, considering the petitioner's name at the 2nd place in the Panel for promotion to the post of Middle School Headmaster as on 01.01.2018, considering the petitioner's representation dated 06.06.2018 and without prejudice to the petitioner's claim of seniority, pending in W.P.(MD) No.13865 of 2016 and W.P.(MD)



No.16848 of 2018.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.K.Saravanan,
Government Advocate.

R1 to R4

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O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the respondents 1 to 4 to promote the petitioner to the post of Middle School Headmaster, in any one of the two vacancies of the Middle School Headmaster in Madurai West Panchayat Union, during the counselling to be held on 12.06.2018, considering the petitioner's name at the 2nd place in the Panel for promotion to the post of Middle School Headmaster as on 01.01.2018, considering the petitioner's representation dated 06.06.2018 and without prejudice to the petitioner's claim of seniority in W.P.(MD) No.13865 of 2016 and W.P.(MD) No.16848 of 2018.

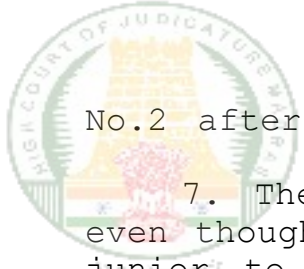
2. Heard Mr.Mr.A.Thirumurthy, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the official respondents. Since no adverse order is going to be passed against the fifth respondent, notice to the fifth respondent is dispensed with. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that, as per seniority, in the year 2012, the petitioner was in Serial No.2, to be considered for promotion to the post of Middle School Headmaster. In the year 2013 also, the petitioner stood in Serial No.1 in the seniority for such consideration.

4. Subsequently, because of reversion, the petitioner's seniority has been fixed at Serial No.5 on 01.11.2015. Therefore, in the year 2016, the petitioner, questioning the positioning of the petitioner below the juniors of the petitioner, filed a writ petition in W.P.(MD) No.13865 of 2016, where an interim order was granted by this Court in W.M.P.(MD) No.10325 of 2016 dated 03.08.2016.

5. The said Writ Petition, even though is pending till date, no posting was given to the petitioner or any promotion was made to the post of Middle School Headmaster, even though one post has been kept vacant, pursuant to the interim order of this Court dated 03.08.2016.

6. The learned counsel would further submit that unmindful of the same, (i.e.,) without prejudice to the right of the petitioner to claim seniority, which he has raised in the other writ petition, insofar as the year 2018 is concerned, the respondents issued the seniority list, which the petitioner has produced in the typed set of papers, wherein the petitioner's name has been shown under Serial



No.2 after one Tmt.Malarvizhi, (i.e) the fifth respondent herein.

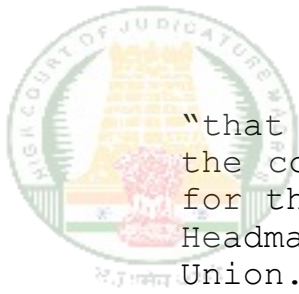
7. The learned counsel for the petitioner would submit that even though the said Tmt.Malarvizhi, (i.e) the fifth respondent is junior to the petitioner, at present the placement of the said Malarvizhi (i.e.,) the fifth respondent, above the petitioner is not questioned, as the said issue can be comprehensively resolved by this Court through the writ petition already filed by the petitioner, which is pending.

8. The present grievance of the petitioner is that, even though the petitioner has been shown in Serial No.2 in the seniority list for the year 2018 and two posts of Middle School Headmaster are vacant for which counselling is scheduled to be conducted on 12.06.2018 in the afternoon by the respondents, the apprehension of the petitioner is that, in view of the pendency of the writ petition, which was already filed in the year 2016 seeking to fix the seniority, the respondents may not allow the petitioner to participate in the said counselling.

9. Therefore, the only grievance appears to be for the petitioner is that, if the petitioner is allowed to participate in the counselling to be held on 12.06.2018, certainly, the petitioner's candidature would be considered and he may be given promotion as Middle School Headmaster, as two posts of Middle School Headmaster are already vacant and since the petitioner is second in seniority there can be no impediment for the respondents to consider the candidature of the petitioner for such promotion. Therefore, seeking suitable direction in this regard, the present Writ Petition has been filed.

10. Per contra, Mr.K.Saravanan, learned Government Advocate appearing for the official respondents would submit that, only on mere apprehension, the petitioner has moved this Writ Petition before this Court. No doubt, for the year 2018, the seniority list has been issued as on 01.01.2018, wherein, the petitioner's name was found in Serial No.2. Since two posts of Middle School Headmaster are vacant, for which counselling has to take place for consideration of candidates as per the seniority list, certainly, the petitioner will be considered for giving promotion for the post of Middle School Headmaster and he is admittedly, second in position in seniority for the year 2018 at Madurai District at Madurai West Panchayat Union. Therefore, the petitioner need not have such an apprehension and the petitioner would certainly be permitted to participate in the counselling to be held on 12.06.2018.

11. In view of the categorical submissions made by the learned Government Advocate appearing for the official respondents, accepting the same, this Court is inclined to pass the following orders.



"that the petitioner shall be permitted to participate in the counselling to be held on 12.06.2018 in the afternoon for the purpose of promotion to the post of Middle School Headmaster in Madurai District at Madurai West Panchayat Union. During the counselling, since two posts are vacant, it is needless to mention that since the petitioner has already been placed at Serial No.2 in the list dated 01.01.2018 issued by the respondents, he shall be considered for such promotion and necessary orders shall be passed by the respondents in that regard."

12. With these directions and observations, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.11164 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1) The Director of Elementary Education,
DPI Complex, College Road,
Chennai 600 006.
- 2) The Chief Educational Officer,
Madurai District,
Madurai.
- 3) The District Educational Officer,
(Formerly District Elementary Educational Officer)
R.M.S. Road,
Madurai 625 001
- 4) The Block Educational Officer,
(Formerly Additional Assistant Educational Officer),
Madurai West,
Anaiyur, Madurai 625 017

+1CC to Mr.A.Thirumurthy Advocate in SR.No.67430,
+1CC to Special Government Pleader in SR.No.67606.

STS

DS/SKN-RSK/SAR-2 :11.06.2018: 4P/7C

Order made in
W.P. (MD) No.12288 of 2018
08.06.2018