



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD) No.11404 of 2018
IN
WP(MD) No.12536 of 2018

A.PREM ANANDH

... PETITIONER / PETITIONER

Vs

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT,
SIVAGANGAI.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUPPATHUR BLOCK, SIVAGANGAI DISTRICT.

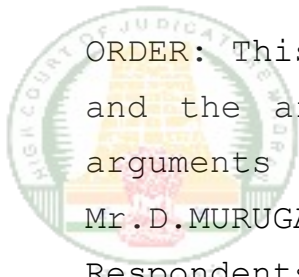
3 S.JEYANTHI

... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant order of interim injunction restraining the respondents 1 and 2 from promoting the 3rd respondent to the post of B.T.Assistant (English) at Panchayat Union Middle School, Vanjinipatti, Thiruppathur Block, Sivagangai District pending disposal of the above writ petition.

Prayer in WP(MD) . 12536/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents 1 and 2 to promote the petitioner in the vacant post of B.T.Assistant (English) available at Panchayat Union Middle School, Vanjinipatti, Thiruppathur Block, Sivagangai District as per the promotion panel prepared among the secondary grade teachers fit to the post of B.T.Assistant (English) as on 01.01.2018.



ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.B.VINOTHKUMAR, Advocate for the petitioner and of Mr.D.MURUGANANTHAM, Additional Government Pleader on behalf of the Respondents the court made the following order:-

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Heard Mr.B.Vinothkumar, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader, who takes notice for the respondents.

2.The learned Counsel appearing for the petitioner has pointed out that the respondents already issued a seniority list among the Secondary Grade Teacher, which is the feeder category for the promotional post i.e. BT Assistant, where the petitioner's name found in Serial No.1. Therefore, the learned Counsel for the petitioner would submit that as per the policy guidelines issued by the Government in G.O.(Ms)No.240, School Education Department, dated 22.09.2007 BT Assistant post shall be filled up from among the senior most eligible candidates. If such policy decision is given effect, certainly, only the petitioner's name, since he has found in serial No.1 in the seniority list, alone can be considered for the post of BT Assistant, as in the said Panchayat Union School, she alone is available as of now.

3. However, the respondent called the third respondent's name alone for consideration of promotion in the counselling to be held on tomorrow i.e. 13.06.2018, whereas the petitioner has not been invited.

4. The learned Additional Government Pleader would submit that if the petitioner is the senior most person as per his claim, based on the seniority list, certainly he can be considered for counselling. But insofar as the eligibility of the third respondent is concerned that also shall be taken into account during the counselling which shall be conducted between the petitioner and the third respondent who shall be considered for the promotion for the



post of BT Assistant as per the seniority and the relevant rule in this regard.

5. Considering the said submissions made by both sides, there shall be an interim direction directing the respondents to permit the petitioner to participate in the counselling for promotion to the post of BT Assistant (English) at Panchayat Union Middle School, Vanjinipatti, Thiruppathur Block, Sivagangai District, for which counselling is scheduled to be held tomorrow I.e. 13.06.2018. During counselling, the claim of the petitioner, based on the seniority list already published, shall be taken into account, of course, along with the claim of the third respondent, based on their seniority.

6. With this direction, this miscellaneous petition is disposed of.

sd/-
12/06/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT, SIVAGANGAI.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUPPATHUR BLOCK, SIVAGANGAI DISTRICT.

+1. C.C. to Mr.B.VINOTHKUMAR Advocate SR.No.10182.

ORDER
IN
WMP(MD) No.11404 of 2018
IN
WP(MD) No.12536 of 2018
Date :12/06/2018

SDS/PN/RNB/12.06.2018/3P/4C