



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2018

CORAM:

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THE HONOURABLE MR.JUSTICE R.SURESH KUMARW.P. (MD) No.12979 of 2018andW.M.P (MD) No.11867 of 2018

A.Jegan Kumar

... Petitioner

-Vs-

1.The Director of School Education,
College Road,
Nungampakkam,
Chennai.

2.The Chief Educational Officer,
Chief Educational Office,
Thoothukudi,
Thoothukudi District.

3.The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti,
Thoothukudi District.

4.The Block Educational Officer,
Pudhu Educational Block,
Pudhur,
Thoothukudi District.

5.The Head Master,
Panchayat Union Middle School,
Mettilpatti,
Pudhu Educational Block,
Thoothukudi District.

... 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 respondents 1 to 3, to promote the petitioner herein to the post of BT Assistant Teacher, Mathematics and to effectuate transfer in the existing vacancy in Panchayat Union Middle School at Mettilpatti, Pudhur Union, the fifth respondent School.

For Petitioner
<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents

: Mr.M.Thirunavukkarasu
: Mr.D.Muruganandham
Additional Government Pleader

**ORDER**

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents 1 to 3 to promote the petitioner herein to the post of B.T.Assistant (Mathematics) and to effectuate transfer in the existing vacancy in Panchayat Union Middle School at Mettilpatti, Pudhur Union, the fifth respondent school.

2.Heard Mr.M.Thirunavukkarasu, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondents.

3.The petitioner's grievance is that even though the petitioner has been stood as first in the seniority list fit for promotion as B.T.Assistant (Mathematics) and he had also participated in the counselling in this regard held on 13.06.2018, he could not get promotion or posting because there was no vacancy on that day. Subsequently, when the second day counselling taken place on 14.06.2018, one of the B.T.Assistant (Mathematics) had been transferred from the Panchayat Union Middle School, wherein, the petitioner had been working and because of which, there is a vacancy in BT Assistant (Mathematics) at Panchayat Union Middle School, Mettilpatti and the same vacancy is still there, as the petitioner is the seniormost in the list, his candidature can be considered.

4.In this regard, the learned counsel appearing for the petitioner would submit that though a representation to that effect was given on 14.06.2018 to the respondents, especially, the second respondent, the same has not been considered. Therefore, if a direction is given to the second respondent to consider the said request of the petitioner on merits and in accordance with law, the petitioner would be satisfied.

5.I have heard Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondents, who would submit that, the said request of the petitioner, dated 14.06.2018 would be considered by the second respondent on merits and in accordance with law and an order to that effect would be passed within a time frame.

6.Considering the said submission made by both sides and the limited scope of the writ petition, this Court is inclined to pass the following order:-

"that the second respondent is directed to consider the representation of the petitioner dated 14.06.2018 with regard to his promotion and posting as B.T.Assistant (Mathematics) at Panchayat Union Middle School, Mettilpatti, Pudhur Union, where a vacancy has arisen due to the present incumbent had already been transferred, and pass orders thereon, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. "



7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

To

1. The Director of School Education,
College Road,
Nungampakkam,
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Thoothukudi District.
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Thoothukudi District.
5. The Head Master,
Panchayat Union Middle School,
Mettilpatti,
Pudhu Educational Block,
Thoothukudi District.

+1CC to Mr.M.Thirunavukkarasu Advocate in SR.No.68602.

RMI

DS/SKN-RSK/SAR-3 :19.06.2018: 3P/7C

W.P. (MD) No.12979 of 2018
and

W.M.P (MD) No.11867 of 2018
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