



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.11.2018

CORAM :

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THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P(MD).No.22705 of 2018

K.Sundaramoorthy

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.

2. The Additional Chief Educational Officer,
Samagra Shiksha Abhiyan,
Collectorate Complex,
Ramanathapuram.

3. The Assistant Project Officer,
Additional Chief Educational Office,
Samagra Shiksha Abhiyan,
Collectorate Complex,
Ramanathapuram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct first respondent ie., the Director of School Education, Chennai to pass appropriate order on the petitioner's representation dated 27.08.2018 regarding fixation of Selection Grade in the present post and inclusion of his name in the seniority list approved for further elevation as P.G.Assistant, within a specified time frame considering the legal position that pendency of a charge memo under Rule 17(a) of Tamil Nadu Civil Services (Discipline & Appeal) Rules, is not bar for promotion and on merits and in accordance with law, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to consider the representation of the petitioner dated 27.08.2018.

2. Though the matter was adjourned for filing counter, the respondents have not filed any counter, but however, submitted that the representation of the petitioner herein for granting of



selection grade was not considered due to pendency of 17(a) charge.

3. The learned counsel appearing for the petitioner would submit that the respondents herein have to pass appropriate order on the representation made by the petitioner herein dated 27.08.2018.

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4. Considering the above rival submission, this Court is of the opinion that the representation of the petitioner herein shall be considered on merits and in accordance with law, even if a charge under Rule 17(a) is pending. The first respondent herein cannot keep the matter pending for years together. Since the show cause notice issued to the petitioner under Rule 17(a) of Tamil Nadu Civil Services (Discipline & Appeal) as early as 28.12.2015, the same is pending for the past three years. Hence, the first respondent is directed to take appropriate decision on the representation of the petitioner in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of . No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar(CS-I)

To

1. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.
2. The Additional Chief Educational Officer,
Samagra Shiksha Abhiyan,
Collectorate Complex,
Ramanathapuram.
3. The Assistant Project Officer,
Additional Chief Educational Office,
Samagra Shiksha Abhiyan,
Collectorate Complex,
Ramanathapuram.

+1cc to Mr.S.Visvalingam,Advocate Sr.No.97177

+1cc to SPL.Govt.Pleader, Sr.No.97655

RMK

KM/SV/SAR1/27.12.2018/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>

W.P(MD) .No.22705 of 2018

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