



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.19324 of 2016

M.Jawahar Selvaraj

... Petitioner

Vs.

The Joint Director of School Education
(Personnel),
Chennai-6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to promote the petitioner as upgraded Superintendent from the date on which his immediate junior was given promotion with attendant benefits by considering the petitioner's representation dated 15.12.2015.

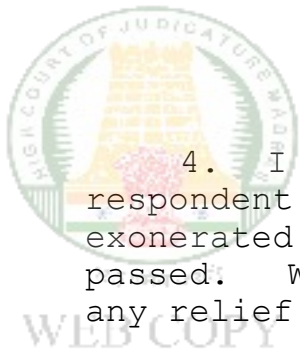
For Petitioner : Mr.V.Panneer Selvam
For Respondent : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to promote the petitioner as upgraded Superintendent from the date on which his immediate junior was given promotion with attendant benefits by considering the petitioner's representation dated 15.12.2015.

2. Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.D.Muruganantham, Additional Government Pleader appearing for the respondent.

3.The petitioner's case is that he was initially charged for the alleged misconduct under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. But subsequently, the petitioner was exonerated on 16.05.2011. In spite of his exoneration from charges, his request for promotion as on 15.03.2011 was not considered. Therefore the petitioner has made a request on 15.12.2015, seeking such indulgence from the respondents. However, the same has not been considered, the petitioner approached this Court.



4. I have heard the learned counsel appearing for the respondent who would submit that the petitioner might have been exonerated from charges, but subsequently some adverse orders were passed. Without challenging the same, the petitioner cannot seek any relief as sought for in this writ petition.

5. Be that as it may. Here, the petitioner's only request is for his representation dated 15.12.2012 shall be considered and resoned orders on merits and in accordance with law shall be passed by the respondents within a time frame stipulated by this Court. In view of the said limited prayer sought for by the learned counsel for the writ petitioner, this Court inclined to pass the following order by disposing the writ petition.

6. That the petitioner's representation dated 15.12.2015 with regard to his grievances of promotion as on 15.03.2011 shall be considered on merits and in accordance with law and a resoned order to that effect shall be passed by the respondent within a period of 8 weeks from the date of receipt of a copy of this order.

7. With this direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The Joint Director of School Education (Personnel),
Chennai-6.

+ 1 CC TO Mr.V.PANNEER SELVAM, ADVOCATE IN SR No. 60986
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 60715

PNN
TE/KKR/SAR-1 : 23/04/2018 : 2P/4C

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