

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21485 of 2001

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 3rd respondent in issuing proceedings dated 18.11.1998 as illegal and arbitrary. A consequential direction is also sought to the respondents to consider the case of the petitioner for promotion to the post of Secondary Grade Assistant with effect from 30.06.1990.

Heard Sri V. Raghu, learned counsel for the petitioner, Sri Avadesh Narayan Sanghi, learned counsel for the 6th respondent, and learned Government Pleader for Education appearing on behalf of the official respondents.

It has been contended by the petitioner that he was appointed as Clerk in the 5th respondent school during 1977 and, later on, promoted as Secondary Grade Assistant on 06.07.1994 in the 5th respondent school. It has also been contended by the petitioner that though the 6th respondent is junior to the petitioner, the 6th respondent was promoted as Secondary Grade Teacher with effect from 30.06.1990 instead of 06.07.1994. The grievance of the petitioner is that though he submitted several representations to the 2nd respondent dated 26.02.1999, 10.06.1999, 07.12.1999 and 10.04.2000, no action has been taken so far.

Learned counsel for the 6th respondent has contended that on the earlier occasion, the petitioner had approached this Court by way of a writ petition seeking similar relief and the same was dismissed as withdrawn.

Per contra, learned counsel for the petitioner has contended that on the assurance given by the 5th respondent to consider the case of the petitioner for promotion as Secondary Grade Teacher, the petitioner had withdrawn that writ petition. He has further contended that the petitioner has to be promoted as Secondary Grade Teacher on par with the 6th respondent with effect from 30.06.1990.

Having considered the submissions made by the parties and perused the record, this Court is of the view that the writ petition can be disposed of with a direction to the petitioner to submit a fresh representation to the competent authority i.e., 3rd respondent.

Accordingly, the writ petition is disposed of directing the petitioner to submit a fresh representation to the competent authority i.e., the 3rd respondent, within a period of two weeks from the date of receipt of this order, and upon receiving such representation from the petitioner, the 3rd respondent shall consider the same and pass appropriate orders thereon, within four weeks thereafter.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

3rd October, 2018
cbs

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Writ Petition No. 21485 of 2001
(disposed of)

3rd October, 2018

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