

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-09-2019

CORAM

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD,J.,

W.P.NO.13822 OF 2009

AND

W.P.NO.11095 OF 2010

A.Banumathi

..Petitioner in both W.Ps

- Vs. -

1. The Director of Elementary Education,
College Road,
Chennai 600 006.

2. The District Elementary
Educational Officer,
Cuddalore, Cuddalore District.

3. The Assistant Educational Officer,
Virudhachalam,
Cuddalore, Cuddalore District.

4. C.Sridhar

..Respondents 1 to 4
in both W.Ps

5. M.Meenabmigai

... 5th respondent in
W.P.No.11095 of 2010

PRAYER IN W.P.No.13822 of 2009:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to promote the petitioner to the post of B.T. Assistant with effect from 05.06.2005 and grant all consequential benefits.

PRAYER IN W.P.No.11095 of 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, after calling for the records relating to the first respondent impugned Seniority list of dated 18.05.2010 of BT Assistants and Tamil Pandit and quash the same in so far as it places the petitioner in the secondary grade Teacher and consequently direct the first respondent to recast the said seniority list by placing the petitioner at the BT Assistants seniority list.

For Petitioner in
W.P.No.13822 of 2009 : Mr.A.Arulmozhi

For Petitioner in
W.P.No.11095 of 2010 : Mr.N.G.R.Prasad for
M/s.Row and Reddy

For Respondents in : Mr.P.Raja for R1 to R3
both W.Ps. Government Advocate

C O M M O N O R D E R

W.P.No.13822 of 2009 has been filed for the Writ of Mandamus, directing the respondents 1 to 3 to promote the petitioner to the post of B.T. Assistant with effect from 05.06.2005 and grant all consequential benefits.

2.W.P.No.11095 of 2010 has been filed for the Writ of calling for the records relating to the first respondent impugned Seniority list of dated 18.05.2010 of BT Assistants and Tamil Pandit and quash the same in so far as it places the petitioner in the secondary grade Teacher and consequently direct the first respondent to recast the said seniority list by placing the petitioner at the BT Assistants seniority list.

3. The learned counsel appearing for the petitioner states that now the petitioner had attained superannuation and therefore, nothing survives for consideration in the case. He however prays for payment of all the terminal benefits by the respondents 1 to 3. Though the prayer is beyond the scope of the writ petition, yet keeping in view the fact that the petitioner has retired, it will not be proper to direct the petitioner to embark upon fresh round of litigation. Considering the case, the respondents 1 to 3 should disburse the terminal benefits in accordance with law. In that regard, the representation shall be made by the petitioner within four weeks from the date of receipt of copy of this order. The respondents 1 to 3 are directed to pass necessary order on the said representation and shall disburse the terminal benefits to the petitioner within four weeks thereafter. Accordingly, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vkrr

To

1. The Director of Elementary Education,
College Road,
Chennai 600 006.
2. The District Elementary
Educational Officer,
Cuddalore, Cuddalore District.
3. The Assistant Educational Officer,
Virudhachalam,
Cuddalore, Cuddalore District.

+1cc to M/s.Row and Reddy, Advocate, S.R.No.82904

W.P.No.13822 of 2009
and
W.P.No.11095 of 2010

GP (CO)
CS/06/12/2019



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