

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.19956 of 2004
and
WP.MP.No.693 of 2008

D.Vedarathinam

...Petitioner

Vs

1. Director of Elementary Education,
Chennai - 6.
2. District Elementary Educational
Officer,
Cuddalore - 1.
Cuddalore District.
3. Assistant Elementary Educational
Officer,
Parangipettai,
Cuddalore District.
4. V.Pasupathy,
Headmaster of Elementary School,
Panchayat Union Elementary School,
Kodikalnagar,
Parangipettai Union,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, or any other appropriate writ, direction or order in the nature of a Writ, calling for records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka.No.731/A4/2004 dated 11.06.2004 and quash the same insofar as the 4th respondent is concerned, and direct the respondents to prepare panel after preparing due seniority list in various categories in Parangipettai Panchayat Union.

For Petitioner : Mr.P.Ganesh
for Mr.S.Mani

For Respondents: Mr.C.Munusamy, Spl. GP (Edu)
for R1 to R3
Mr.R.Ganesan
for R4

O R D E R

Being aggrieved by the panel dated 11.06.2004, wherein the 4th respondent herein was shown to be senior of the petitioner herein, the present Writ Petition has been filed. The grievance of the petitioner seems to be that the 4th respondent herein does not have the required qualification to be promoted to the post of Headmaster of Middle School.

2. Today when the matter was called, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that pending the Writ Petition, the petitioner was granted promotion by the proceedings of the 2nd respondent herein dated 27.06.2012 granting promotion with effect from the date of the order.

3. The learned counsel for the petitioner submitted that the petitioner is entitled to claim promotion retrospectively from 11.06.2004 and his promotion dated 27.06.2012, was not extended retrospectively, which is barred.

4. In my view, the petitioner having been granted promotion now, can be given the liberty to agitate the refusal of retrospective promotion, if he is eligible to.

5. In the light of the above observations, the Writ Petition stands disposed of, with a liberty to the petitioner to avail his remedies in the manner known to law seeking for retrospective promotion to the post of Headmaster of Middle School. No costs. Consequently, connected Miscellaneous Petition is closed.

hvk

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Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To

1. Director of Elementary Education,
Chennai - 6.

2. District Elementary Educational
Officer,
Cuddalore - 1.
Cuddalore District.

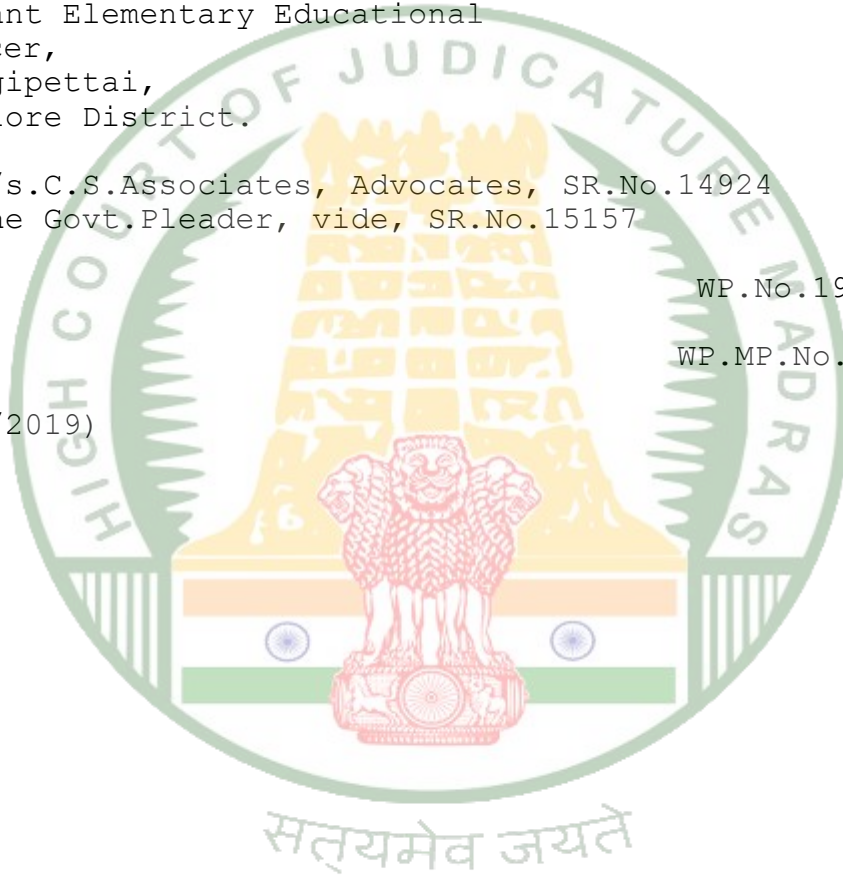
3. Assistant Elementary Educational
Officer,
Parangipettai,
Cuddalore District.

+1cc to M/s.C.S.Associates, Advocates, SR.No.14924

+1cc to the Govt.Pleader, vide, SR.No.15157

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and
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Kak (28/03/2019)



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