

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.1169 of 2018
and W.M.P.No.1455 of 2018

A.Anandhi

....Petitioner

Vs

1.The State of Tamil Nadu,
rep by its Principal Secretary to Government,
School Educational Department,
Fort st. George, Secretariat,
Chennai-09.

2.The Joint Director of School
Education(Higher Secondary),
Department of School Education,
DPI Campus,
68,College Road, Chennai-06.

3.The Chief Educational Officer,
Salem-636001.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the proceedings of the 2nd respondent in Na.Ka. No.35300/ W3/ E1/ 2017 dated 27.05.2017 and quash the same and consequentially issue direction directing the 2nd respondent to consider the petitioners representation dated 03.08.2017 and thereby grant promotion to the petitioner as Post Graduate Teacher (Maths) in the Vacancies arose in Salem District through G.O.Ms. No.173 dated 18.07.2017 passed by the 1st respondent.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents: Mr.A.Raja Perumal,
Additional Govt.Pleader

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O R D E R

The order dated 27.05.2017 issued by the Joint Director of School Education, communicating the writ petitioner that the case of the petitioner for promotion will be considered as per rules, after completion of three years period from the date of submission of the application declining the promotion to the post of P.G.Assistant, is under challenge in the present writ petition.

2. Admittedly, the petitioner is holding B.T.Assistant post and eligible for promotion to the post of P.G.Assistant and on personal reasons, submitted an application, declining promotion to the post of P.G.Assistant. Accordingly, the name of the writ petitioner was deferred. However, the writ petitioner once again submitted an application to reconsider her case for promotion to the post of P.G.Assistant on the ground that the post of P.G.Assistant arose in Salem District itself. This Court is unable to understand, at the time when there is no post in Salem District, the writ petitioner has submitted an application declining the promotion and when the post arose in Salem District, how the personal grounds raised, became vanished. Such an attitude of the teachers can never be encouraged. Once the application declining the promotion was in force, the impugned order was passed stating that the case of the writ petitioner for promotion to the post of P.G.Assistant will be considered after the expiry of the period of three years as per the rules. Thus, it is made clear that the writ petitioner would be eligible for promotion to the post of P.G.Assistant as per rules on completion of three years period from the date of declining promotion to the post of P.G.Assistant. With this clarification, this Court finds no infirmity in the communication sent by the respondents and accordingly, the writ petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

1.The State of Tamil Nadu,
rep by its Principal Secretary to Government,
School Educational Department,
Fort st. George,
Secretariat,
Chennai-09.

2.The Joint Director of School
Education (Higher Secondary),
Department of School Education,
DPI Campus, 68, College Road,
Chennai-06

3.The Chief Educational Officer,
Salem-636001.

+lcc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.10145
+lcc to the Government Pleader, S.R.No.10748

W.P.No.1169 of 2018
and W.M.P.No.1445 of 2018

CA(CO)

rrs 01/03/2019



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