



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 17266 of 2019

N. Santhi

..Petitioners

Vs

1. State rep.by its Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai.

2. The Director of School Education,
DPI Campus, College Road,
Chennai-600006.

3. The Joint Director of (Higher Secondary) School Education,
DPI Campus, College Road,
Chennai-600006.

4.The Chief Educational Officer,
Thanjavur District,
Thanjavur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to Call for the records relating to the impugned order passed by the second respondent in his proceedings Na. Ka. No. 094283/W3/E2/2017 dated 25/01/2018 and quash the same and consequently direct the respondents herein to include the name of the petitioner in the panel of BT Assistant fit for promotion by transfer as P.G. Assistant (Commerce) issued by the second respondent herein in his proceedings Na. Ka. No. 008134/W2/E2/2017 dated 15/05/2017 and 3/10/2017 if she is otherwise qualified within a time-frame as deem fit and proper by this Hon`ble Court.

For Petitioner : M/s F. Bala and Daisy

For Respondents : Mrs. P. Kavitha, GA



O R D E R

Writ Petition is filed for issuance of a Certiorarified Mandamus to Call for the records relating to the impugned order passed by the second respondent in his proceedings Na. Ka. No. 094283/W3/E2/2017 dated 25/01/2018 and quash the same and consequently direct the respondents herein to include the name of the petitioner in the panel of BT Assistant fit for promotion by transfer as P.G. Assistant (Commerce) issued by the second respondent herein in his proceedings Na. Ka. No. 008134/W2/E2/2017 dated 15/05/2017 and 3/10/2017 if she is otherwise qualified within a time-frame.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioners is that the petitioner was appointed as Secondary Grade Teacher in the year 1999 and promoted as B.T Assistant (Maths) in the year 2008 and continuing as such till date. In the year 2019, the 4th respondent herein had requested to submit of eligible BT Assistants first for promotion as PG Assistant by recruitment by transfer to all the school. The petitioner's name was also forwarded for inclusion in the list. The petitioner is eligible and entitled for promotion to the post of PG Assistant (Commerce) as per the statutory rules. The petitioner has submitted a representation to the 2nd respondent herein on 02.05.2017 to include her name in the ensuing panel. Since the said representation was not properly considered, the petitioner has filed a writ petition before this Court in W.P. No.28522 of 2017, wherein this Court had directed the respondents to consider the representation of the petitioner and pass orders within a period of four weeks. Thereafter, the impugned order came to be passed by the 2nd respondent, rejecting the claim of the petitioner on the ground that the petitioner had done reverse studies. Challenging the same, the present writ petition is filed.

4. The learned counsel for the petitioner submitted that the petitioner had completed her 10th standard in the year 1983, Higher Secondary Education in the year 1985, B.Com in the year 1988, DTE in the year 1991, B.Ed in the year 1993, M.Com in the year 1995, Bsc(Maths) in the year 2007 and M.Phil in the year 2009. Therefore, the petitioner is eligible for promotion to the post of PG Assistant (Commerce) as per statutory rules.



5. The learned counsel for the petitioner further submitted that as against the impugned order, the petitioner has made a representation dated 30.05.2019 to the 2nd respondent herein for appropriate remedy. Therefore, it would suffice, if this Court issues direction to the 2nd respondent to consider and pass appropriate orders on the representation submitted by the petitioner.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court directs the 2nd respondent to consider the petitioner's representation dated 30.05.2019 after affording due opportunity to the petitioner and pass appropriate orders on merits and in accordance with law without interfering the impugned order, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai.

2. The Director of School Education,
DPI Campus, College Road,
Chennai-600006.

3. The Joint Director of (Higher Secondary) School Education,
DPI Campus, College Road,
Chennai-600006.

4. The Chief Educational Officer,
Thanjavur District,
Thanjavur.

+1cc to M/s F. Bala and Daisy, Advocate SR.96969
+1cc to the Government Pleader SR.97580.

W.P.No.17266 of 2019

LN(CO)
CB(07/01/2020)