

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 20811 of 2019

and

WMP.Nos.20005 & 20008 of 2019

N.Selvam

... Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Complex, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
O/o the Chief Educational Office,
Nagapattinam, Nagapattinam District.
- 4.The District Educational Officer,
O/o the District Educational Office,
Nagappattinam, Nagappattinam District.
- 5.The Block Educational Officer,
O/o the Block Educational Office,
Thalanayar, Nagappattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to promote the petitioner as Head Master of the Middle School taking into consideration of the petitioner's seniority in the cadre of B.T.Assistant in accordance with Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Nambi Arooran for
M/s.Ajmal Associates

For Respondents: Ms.P.Kavitha,
Government Advocate.

ORDER

This Writ petition has been filed seeking to direct the respondents to promote the petitioner as Head Master of the Middle School taking into consideration of the petitioner's seniority in the cadre of B.T. Assistant in accordance with Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period that may be stipulated by this Court.

2.The case of the petitioner is that the petitioner was appointed as B.T. Assistant (Science) on 12.09.2005 through direct recruitment and his service was regularized on 01.06.2006. It is his contention that earlier, the Headmasters of Elementary Schools were given promotion to the post of Headmasters in Middle School for want of B.T. Assistants. As per G.O. (Ms) No.79, School Education Department dated 14.06.2002 and G.O. (Ms) No.100, School Education Department dated 27.06.2003, for promotion to the post of Middle School Headmasters, those who are holding the post of secondary grade teachers, B.T. Assistants and Elementary School Headmasters were made eligible. It is also the contention of the petitioner that the petitioner is drawing higher pay than the Headmasters of Elementary Schools in the cadre of B.T. Assistant besides possessing the requisite seniority, therefore, the petitioner is eligible to be promoted for the post of Middle School Headmaster on the basis of his seniority. In this context, the petitioner made a representation to the respondents through proper channel to the fifth respondent on 19.03.2019, but till date, the petitioner's representation has not been considered by the respondents. Hence, the petitioner has approached this Court with the above said prayer.

3.Heard both sides and perused the materials available on record.

4.In view of the limited relief sought for, this Court is of the view that it is not necessary to delve into the merits of the issue, but it would suffice to direct the competent authority to consider the representation submitted by the petitioner dated 19.03.2019 and pass orders on the same within a particular time frame.

5.With the above directions, this writ petition is disposed of directing the competent authority to consider the representation of the petitioner dated 19.03.2019 and to pass orders thereon, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

klt
To

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Chennai - 600 009.

2.The Director of Elementary Education,
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3.The Chief Educational Officer,
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Nagapattinam,
Nagapattinam District.

5.The Block Educational Officer,
O/o the Block Educational Office,
Thalanayar,
Nagapattinam District.

+1cc to M/s.Ajmal Associates, Advocate SR.95919

W.P.No.20811 of 2019

KJ(CO)
CB(30/12/2019)

सत्यमेव जयते
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