

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.23695 of 2019

&

W.M.P.Nos.23553, 23554 & 23555 of 2019

1.S.Udhayakumar

2.R.Dilip Kumar

3.R.Gunasekaran

4.R.Sankar

..Petitioners

vs

1.State of Tamil Nadu

Rep. by Director of School School Education
DPI Campus, College Road,
Chennai 600 006.

2.The Director of School Educational
DPI Campus, College Road
Chennai 600 006

3.The Joint Director (Personnel)
DPI Campus College Road,
Chennai 600 006

4.The Chief Educational Officer
Thiruvannamalai

5.The District Educational Officer,
Polur Educational District,
Thiruvannamalai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to include the names of the petitioners in the seniority list to the post of Junior Assistants pursuant to the proceedings of the fourth respondent in Na.Ka.No.5383/A1/2019..05.2019 by invoking Rule 3(g) of the Tamil Nadu Ministerial Service Rules which had been in practice

for over a period of 30 years by taking into consideration the date of appointment to the post of Office Assistant, for the purpose of seniority.

For Petitioner : Mr.G.Sankaran

For Respondents : Ms.P.Kavitha
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to include the names of the petitioners in the seniority list to the post of Junior Assistants pursuant to the proceedings of the fourth respondent in Na.Ka.No.5383/A1/2019..05.2019 by invoking Rule 3(g) of the Tamil Nadu Ministerial Service Rules which had been in practice for over a period of 30 years by taking into consideration the date of appointment to the post of Office Assistant, for the purpose of seniority.

2. The case of the petitioners is that they all were appointed to the post of Office Assistants in the year 2007. Subsequently, they were appointed to the post of Record Clerks in the year 2012. In the year 2014, there petitioners were appointed as Laboratory Assistants. From the post of Record Clerk there are two avenues of promotion, one to the post of Laboratory Assistant and the other to the post of Junior Assistant. The petitioners were promoted as Laboratory Assistants. At that point of time, the respondents used to include the Laboratory Assistants also in the seniority list to the post of Junior Assistants. Hence the petitioners accepted the promotion to the post of Laboratory Assistants on the terms that their name will be included in the seniority list to the post of Junior Assistants. However, till date the petitioners' name were not included in the seniority list for the year 2019. Thereby, constraining the petitioner to make a representations to the 3rd respondent for including their names in the seniority list to the post of Junior Assistants. However, no action was taken. As against the inaction the present Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondents to consider the petitioners' representations on merits and in accordance with law.

4. Heard the counsel and perused the records.

5. From a perusal of the records, it appears that the said request is pending before the Government for clarification. Unless, the Government takes decision, the petitioners' names cannot be included in the seniority list. Therefore, the petitioners are directed to make a representation to the Government, the 1st respondent, if such representation received the 1st respondent shall consider the representation and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu
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DPI Campus, College Road,
Chennai 600 006.

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DPI Campus College Road,
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4.The Chief Educational Officer
Thiruvannamalai

5. The District Educational Officer,
Polur Educational District,
Thiruvannamalai.

+1cc to Mr.Dakshayani Reddy, Advocate SR.No.92925
+2cc to Government Pleader SR.No.93343, 93009

W.P.No. 23695 of 2019 &
W.M.P.Nos.23553, 23554 & 23555 of 2019

VSN II (CO)
GMY (30/01/2020)