

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26635 of 2019

and

W.M.P.No.26017 of 2019

V.Manjula

..Petitioner

vs

1.The Director of Elementary Education,
DPI Complex, College road,
Chennai 600 006.

2.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

3.The District Educational Officer,
Sirkazhi Education District,
Sirkazhi, Nagapattinam District.

4.The Block Educational Officer,
Kollidam Union,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders granting promotion to the petitioner to the post of Middle School Head Master in Panchayat Union Middle School, Mudalaimeadu, Kollidam Union, Nagapattinam District based on 2019 panel with all consequential and attendant benefits within a time frame as fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.C.Munuswamy

Special Government Pleader

ORDER

The prayer sought for in this Writ Petition is to direct respondents to pass orders granting promotion to the petitioner to the post of Middle School Head Master in Panchayat Union Middle School, Mudalaimeadu, Kollidam Union, Nagapattinam District based on 2019 panel with all consequential and

attendant benefits within a time frame as fixed by this Honourable Court.

2. The case of the petitioner is that, she was appointed as Secondary Grade Teacher in Elementary Education on 04.02.1991 in Thiruvadaimarudhur Union, Thanjavur District. She was transferred to Kollidam Union in the year 1991 as Secondary Grade Teacher. In the year 2002, she was promoted as Primary School Head Master. Thereafter in the year 2007, she was promoted to the post of B.T.Assistant (History) in Kollidam Union.

3. The condition of service of teachers working in Elementary Education is governed by the Special Rules for Tamil Nadu Elementary Education Subordinate Service Rules notified in G.O.Ms.No.1383, Education Department dated 23.03.1988. As per Rule 9 of Special Rules, each Panchayat Union shall be a unit for seniority, promotion and other conditions of service. Accordingly, panel would be prepared for promotion for the post of Middle School Head Master based on Union Seniority.

4. The petitioner's name was included in the panel for promotion to the post of Middle School Head Master in respect of Kollidam Union, Nagapattinam District, for the year 2019 prepared as on 01.01.2019 duly approved by the Department. Her name was included in Sl.No.1 based on seniority and there is only one vacancy to the post of Middle School Head Master in Panchayat Union Middle School, Mudalaimedu in Kollidam Union, Nagapattinam District. Therefore, she was eligible to be considered for promotion to the post of Middle School Head Master in Mudalaimedu PUMS.

5. On the date of counseling i.e., 09.07.2019, there was no eligible person to get transfer to Mudalaimedu PUMS by way of transfer within the Union. In the said circumstances, counseling for promotion to the vacancy to the post of Middle School Head Master was conducted in the afternoon on 09.07.2019 and the name of the School viz., Mudalaimedu PUMS was displayed in the counseling Screen to be filled through promotional counseling. When the petitioner exercised her option by accepting the post of Middle School Head Master in Mudalaimedu PUMS, the same was not taken on record nor she was issued with any allotment order. On 22.07.2019, the petitioner made representation to the 2nd respondent but till date the same was not considered. Aggrieved by the same the Writ Petition is filed.

6. The learned counsel for the petitioner would submit that it would be suffice to issue directions to the respondents to dispose of the representation in accordance with law.

7. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to dispose of the representation dated 22.07.2019, if not disposed already within a period of six (6) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
DPI Complex, College road,
Chennai 600 006.
- 2.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
- 3.The District Educational Officer,
Sirkazhi Education District,
Sirkazhi, Nagapattinam District.
- 4.The Block Educational Officer,
Kollidam Union,
Nagapattinam District.

+1 cc to M/s.G.Sankaran,Advocate Sr.No. 78672
+1 cc to The Government Pleader Sr.No.79304

AKM/31.10.19/3P-7C /

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