

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 30171 of 2019

S.Sambath Kumar

... Petitioner

vs

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600006.
 2. The Chief Educational Officer,
Presidency Higher Secondary School Campus,
Egmore, Chennai-600008.
 3. The District Educational Officer (West)
DPI Campus, College Road,
Chennai-600006.
 4. The Secretary,
Tamil Evangelical Lutheran Church,
P.B.No.86, Tranquebar House,
Melaputhur, Tiruchirapalli-620001.
 5. The Chairman,
Education Board,
Tamil Evangelical Lutheran Church,
P.B.No.86, Tranquebar House,
Melaputhur, Tiruchirapalli-620001.
 6. The Headmistress,
ELM Fabricius Higher Secondary School,
Purasawalkkam, Chennai.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th and 5th respondents to consider and pass orders for promotion to the post of P.G Assistant (Zoology) in favour of the petitioner in the existing sanctioned post in 6th respondent School with effect from 01.06.2018 based on the representation dated 23.09.2019 submitted by the petitioner

forthwith within a time frame to be fixed by this Court, with all consequential and attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.C.Munusamy, Spl.GP(Education)

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the 4th and 5th respondents to consider and pass orders for promotion to the post of P.G Assistant (Zoology) in favour of the petitioner in the existing sanctioned post in 6th respondent School with effect from 01.06.2018 based on the representation dated 23.09.2019 submitted by the petitioner forthwith within a time frame to be fixed by this Court, with all consequential and attendant benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner was appointed as B.T Assistant (Science) on 09.02.2007 in the 5th respondent school, a Government aided school coming under the corporate Management of TELC and working as such. For the purpose of promotion to the post of P.G Assistant (Zoology), the petitioner made representation dated 23.09.2019 to the 5th respondent. Since the same was not considered, the present writ petition is filed.

4. The learned counsel for the petitioner submitted that the vacancy arose in the 6th respondent school on 01.06.2018. The petitioner is the senior and most qualified B.T Assistant and fit for promotion to the post of P.G Assistant (Zoology) in the existing vacancy as per Rule 15(4) of Tamilnadu Recognized Private Schools (Regulations) Rules 1974.

5. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the 4th & 5th respondent to consider the petitioner's representation and pass appropriate orders within the reasonable time.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court directs the respondents 4 & 5 to consider the petitioner's representation dated 23.09.2019 after affording due opportunity to the petitioner and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of the representation from the petitioner.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
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+1cc to the Government Pleader Sr.91505

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