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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30610 of 2019
and
W.M.P.No.30681 of 2019

B.Deepan

... Petitioner

Vs.

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

2.The Director of School Education,
DPI Complex,
College Road, Chennai.

3.Joint Director of School Education,
DPI Complex,
College Road, Chennai.

4.The Chief Educational Officer,
Chief Education Office,
Salem.

5.The District Educational Officer,
District Education Office,
Edapadi, Salem District.

6.The Headmaster,
P.K.M. Government Higher School,
Madhanaicken Patti,
Kuttanpatti Post,
Mettur Taluk.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Na.Ka.No.1426/D1/2019 dated --.06.2019 signed on 05.10.2019 and quash the same consequently directing the respondents 3 to 5 to include the petitioner's name in the promotion list in panel of



the year 2019 for the post of P.G. Teacher (Economics) based on the explanation dated 21.10.2019 within a time frame.

For Petitioner : Ms.Kanmani Annamalai

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For Respondents: Mr.C.Munusamy
Special Government Pleader for (Edn)

O R D E R

This Writ Petition is filed for a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Na.Ka.No.1426/D1/2019 dated --.06.2019 signed on 05.10.2019 and quash the same consequently directing the respondents 3 to 5 to include the petitioner's name in the promotion list in panel of the year 2019 for the post of P.G. Teacher (Economics) based on the explanation dated 21.10.2019 within a time frame.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he joined as B.T. Assistant Teacher on 17.12.2012 and completed his probation on 16.12.2014. at present, he was working as B.T. Assistant at Government Higher Secondary School, Mathanaickenpatti, Salem District. While he was working as B.T. Assistant, he participated in Joint Action Council of Tamil Nadu Teacher's Organization & Government Employees Organization (JACTO - GEO) office protest. Aggrieved by the said participation of the petitioner in JACTO - GEO protest, he was issued charge memo with 17 (b) charges of Tamil Nadu Civil Services (Discipline and Appeal) Rules bearing Na.Ka.No.1426/D1/2019 dated --.06.2019 signed on 05.10.2019 by the fourth respondent. Challenging the said charge memo, the petitioner has filed the present Writ Petition.

4. Ms.Kanmani Annamalai, learned counsel for the petitioner would submit that in view of the pendency of the charge memo, the petitioner may not receive any promotional avenue. Hence, this Court may issue directions to the respondents to consider the inclusion of petitioner's name in the promotion list in panel of the year 2019 for the post of P.G. Teacher (Economics) within a reasonable time.

5. Considering the facts and circumstances of the case, as the charge under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is pending against the petitioner, this Court directs the respondents to complete the departmental enquiry within a period of three months from the date of receipt of a copy of this order.



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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai - 600 009.
- 2.The Director of School Education,
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+1cc to Mr.M.Saravanakumar, Advocate Sr.89735

W.P.No.30610 of 2019

vba[co]
srg 26/12/2019