

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.31977 & 31980 of 2019

- 1 C.VENKATESA PERUMAL .....Petitioner in WP.31977/2019.
- 2 M.Shilesh Kumar .....Petitioner in WP.31980/2019.

Vs

- 1 The District Educational Officer,  
O/o. The District Educational Officer,  
Vellore, Vellore District....1st Respondent in both the WPs
- 2 The Headmaster,  
Government High School,  
Edayanchatthu ,  
Vellore-2, Vellore District.....2nd Respondents in  
WP.No.31977/2019
- 3.The Headmaster  
Government Higher Secondary School  
Kammavanpet -632 319  
Vellore District ...2nd Respondent in  
WP.No.31980 of 2019

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ or Order or Direction and in the nature of writ directing the 1st respondent to consider the petitioners' representation dated 15.07.2019 and 27.05.2019 and pass orders on the same in regard to promotion as office Assistant by transfer of service as per the Tamil Nadu Basic Service Rules.

For Petitioner : Mr.G.Elanchezhian  
in both WPs.

For Respondents : Mr. P.Kavitha, G.A.  
in both WPs.

## COMMON ORDER

1. Since the issue and the prayers in both the Writ Petitions are one and the same, these Writ Petitions are taken up together for final disposal.
2. These Writ Petitions have been filed praying for the issuance of Writ of Mandamus to direct the 1st respondent to consider the petitioners representations dated 15.07.2019 and 27.05.2019 and pass orders on the same in regard to promotion as Office Assistant by transfer of service as per the Tamil Nadu Basic Service Rules.
3. The case of the petitioners is that they were initially selected and appointed as part time sweepers on 01.10.1997 and 01.12.1998 respectively by the Headmaster Government Higher Secondary School, Kaniyampadi, Vellore District. Thereafter, they were brought under the regular time scale of pay by the first respondent vide proceedings dated 12.06.2013 and further they were posted as Night Watchmen and subsequently their services were also regularized. The next promotion in respect of the petitioners' cadre is the post of Office Assistant which prescribed qualification as 8th standard. According to the petitioners, they passed 8<sup>th</sup> standard and discontinued 10th standard and therefore, they are eligible to be promoted as Office Assistants as per the Tamil Nadu Basic Service Rules. Therefore, they made representations to the respondent, but as there was no action, they moved writ petitions in WP.Nos.5293 and 5295 of 2019 before this Court praying for a direction to the first respondent to consider the proposal of the second respondent in regard to the promotion of the petitioners as Office Assistants. This Court disposed of the said writ petitions and directed the respondents to prepare a panel and consider the names of all the eligible persons including the petitioners herein for the purpose of promoting them as Office Assistants. Based on the order of this Court, it appears that the petitioners made representations dated 15.07.2019 and 20.07.2019 to the respondents requesting to prepare a panel and include their names in promotion panel and promote them as Office Assistants. Since no action is forthcoming, the petitioners are before this Court.
4. The learned counsel for the petitioners would submit that without going into merits of the case, since the representations made by the petitioners have been pending without any progress, it would suffice if this Court directs the first respondent to consider and dispose of the

representations made by the petitioners in accordance with law.

5.The learned Government Advocate appearing for the respondents while conceding the claim of the petitioners, would submit that if any such direction is given by this Court, the same would be complied with and the representations of the petitioners would be disposed of in accordance with law.

6.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondent is directed to consider and dispose of the representations dated 15.07.2019 and 27.05.2019 made by the petitioners in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

7.With the above observation, these Writ Petitions are disposed of. No costs.

Sd/-  
Asst.Registrar (CS V )

/true copy/  
Sub Asst. Registrar

Jrs

To

1 The District Educational Officer,  
O/o. The District Educational Officer,  
Vellore, Vellore District.

2 The Headmaster,  
Government High School,  
Edayanchatthu ,  
Vellore-2, Vellore District.

3.The Headmaster Government Higher Secondary School  
Kammavanpet -632 31980  
Vellore District

+2 ccs to Mr.G.Elanzhezhiyan Advocate sr94371 & 94370  
+1 cc to government pleader High Court Madras sr 95566

W.P.Nos.31977 & 31980 of 2019

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