



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.34894 of 2019
and W.M.P Nos.35663 & 35664 of 2019

M.Umamaheswaran

Petitioner

vs.

1. State of Tamil Nadu
Rep. by its Secretary,
Higher Secondary Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Erode District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to include the name of the petitioner to the post of Higher Secondary School Headmaster pursuant to the proceedings of the Second Respondent herein in Na.Ka.No.3720/W1/E1/2019 dated 16.11.2019 by counting the services of the petitioner with effect from 12.07.2004 by following the judgment of this Court in W.P.No.4991 of 2015 and WP (MD) No.21316 of 2015 by regularizing the services of the petitioner in the post of P.G. Assistant with effect from 12.07.2004 for the purposes of seniority.

For Petitioner : M/s.Dakshayani Reddy
For Respondents: Mrs.V.Annalakshmi
Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents to include the name of the petitioner to the post of Higher Secondary School Headmaster by counting the services of the petitioner with effect from the date of joining duty as Junior Grade P.G. Assistant.



2.The case of the petitioner is that the petitioner joined as Junior Grade P.G. Assistant during the year 2004. This was pursuant to the competitive examination conducted by the Teachers Recruitment Board in which the petitioner was selected to the post of P.G. Assistant. It is the further case of the petitioner that the Government issued G.O.Ms.No.99, School Education Department, dated 27.06.2006 regularizing the services of all the Junior Grade P.G. Assistants and bringing them under regular time scale w.e.f. 01.06.2006. Thereafter, the Government issued G.O.Ms.No.120, School Education Department, dated 18.07.2006 by clarifying that, for the purpose of seniority, the rank assigned by the Teacher Recruitment Board alone will prevail. Accordingly, a seniority list was also prepared and published in the year 2019 and the name of the petitioner was shown over and above the promotees of the year 2005.

3.The grievance of the petitioner is that on 16.11.2019 the panel was published to the post of Higher Secondary Headmaster and to the shock of the petitioner, his name was not included and the names of the promotees of the year 2005 and 2006 found place in the panel. According to the petitioner, the non-inclusion of his name is against the judgment of this Court in W.P.No.4991 of 2015 and G.O.Ms.No.120, dated 18.07.2006. The petitioner has made a representation to the respondents by ventilating the grievance and had requested the 2nd respondent to add the name of the petitioner in the panel in accordance with the above judgment of this Court and G.O.Ms.No.120, dated 18.07.2006 and consider the petitioner for promotion to the post of Higher Secondary School Headmaster. Since this representation was not considered, the present writ petition has been filed before this Court.

4.Heard Ms.Dakshayani Reddy, learned counsel appearing on behalf of the petitioner and Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the name of the petitioner was in-fact shown in the seniority list that was published in accordance with G.O.Ms.No.120, dated 18.07.2006, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner and to take a decision by counting the service of the petitioner from the date on which the petitioner joined duty as Junior Grade P.G. Assistant and consequently add the name of the petitioner in the panel for selection for promotion to the post of Higher Secondary School Headmaster. This exercise shall be completed within a period of four weeks from the date of receipt of a fresh representation to be made by the petitioner.



6.This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No Costs.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Secretary,
Higher Secondary Education Department,
Fort St. George,
Chennai 600 009.

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

3. The Chief Educational Officer,
Erode District.

+1cc to Mr.M/s.Dakshayani Reddy , Advocate SR.No. 104751
+1 cc to Government Pleader Sr.No. 105829

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A.SK(19/12/2019)