



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.10083 of 2019

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A.Santhi

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.

2.The Commissioner of Technical Education,
Chennai - 25.

3.The Principal,
Arulmigy Palaniandavar Polytechnic College,
Palani.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents to consider the petitioner for promotion to the post of Instructor in strict compliance with the order of the Division Bench in WA(MD).No.23 of 2012 dated 22.04.2016 with retrospective effect from the date on which her junior was promoted and by considering the petitioner's representation dated 31.10.2017.

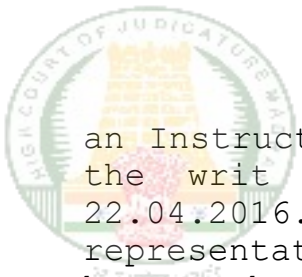
For Petitioner	: Mr.C.Venkateshkumar for M/s.Ajmal Associates
For R1 & R2	: Mr.S.Angappan Government Advocate

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner for promotion to the post of Instructor in compliance with the judgment rendered by the Division Bench of this Court in WA(MD).No.23 of 2012 dated 22.04.2016 with retrospective effect, from the date on which her junior was promoted, by considering her representation dated 31.10.2017.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2. In view of the nature of order, which is going to be passed hereunder, no notice is required to the third respondent.

3.The case of the petitioner is that she is working as a Lab Assistant in the third respondent college. According to the petitioner, she is eligible to be posted as an Instructor like that of the similarly placed person by name one Muthu, who was posted as



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an Instructor, subsequent to the judgment rendered by this Court in the writ appeal filed by him in W.A(MD)No.23 of 2010 dated 22.04.2016. Claiming similar relief, the petitioner made a representation dated 31.10.2017 to the respondents. Since the same has not been considered so far, the petitioner is before this Court.

4.The learned Government Advocate for the respondents 1 and 2, on instructions, submitted that the representation of the petitioner would be considered on merits and appropriate orders be passed.

5.In view of the above submission, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 31.10.2017 in the light of the judgment rendered in W.A(MD)No.23 of 2010 dated 22.04.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai - 9.

2.The Commissioner of Technical Education,
Chennai - 25.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-63038[F] dated 26/04/2019)

+1 CC to M/s.SPL GP (SR-63615[F] dated 27/04/2019)

W.P. [MD] .No.10083 of 2019
25.04.2019

CS: 17/05/2019/2P/5C