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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.14500 of 2019 and

WMP(MD).Nos.10937 and 10938 of 2019

S. Arockiadas

... Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
Secretariat, St. George Fort, Chennai.

2.The Director of Elementary Education Department,
DPI Campus, College Road,
Chennai.

3.The District Education Officer,
Ramanathapuram,
Ramanathapuram District.

4.The Block Educational Officer,
Thiruvadanai,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3 and 4 herein to include the name of the writ petitioner in promotion panel 2019, for the post of BT Assistant (English) in Thiruvadanai Union by considering the petitioner's representation dated 01.06.2019 within the time limit fixed by this Court.

For Petitioner : Mr.M. Dinesh

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mrs. S. Srimathy
Special Government Pleader

**ORDER**

This writ petition is filed seeking to direct the respondents 3 and 4 herein to include the name of the writ petitioner in promotion panel 2019, for the post of B.T Assistant (English) in Thiruvadanai Union, by considering his representation, dated 01.06.2019, within the time limit fixed by this Court.

2. Mrs.S. Srimathy, learned Special Government Pleader takes notice for the respondents.

3. By consent of both parties, the writ petition is taken up for disposal at the admission stage itself.

4. According to the petitioner, while he was working as a Secondary Grade Teacher in Panchayat Union Primary School, Keezhharumbur, Thiruvadanai, Ramanathapuram District, based on the private complaint lodged against him, he was suspended from service. Thereafter, the petitioner filed WP(MD).6664 of 2014 before this Court and the same was disposed of by directing the respondents to consider the representation of the petitioner. Subsequently, the petitioner's suspension was revoked. Due to the compromise entered into between the parties, they have filed CrI.O.P(MD).No. 12078 of 2017 before this Court and the same was allowed. Thereafter, the petitioner has made various representations to the respondents to drop the 17(b) charges pending against him and also regularize his suspension period. The petitioner has also sent a representation dated 01.06.2019 to include his name in the panel list for the promotion to the post of B.T. Assistant (English) for the year 2019. But, the same has not been considered so far. Hence, the petitioner has filed the present Writ Petition.

5. At the time of hearing, the learned counsel appearing for the petitioner submitted that even though a larger relief is sought for in this Writ Petition, it would suffice, if a direction is issued to the respondent to consider and pass orders on the representation of the petitioner dated 01.06.2019.

6. The learned Standing Counsel appearing for the respondents would submit that the representation of the petitioner will be considered on merits and in accordance with law.

7. Having regard to the scope of the prayer made by the petitioner and considering the submissions made on either side, this Court, without expressing any opinion on the merits of the petitioner's case, directs the first respondent to consider the representation of the petitioner, dated 01.06.2019, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.



8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

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// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal Secretary to Government,
School Education Department,
Secretariat, St. George Fort, Chennai.

2.The Director of Elementary Education Department,
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Chennai.

3.The District Education Officer,
Ramanathapuram,
Ramanathapuram District.

4.The Block Educational Officer,
Thiruvadanai,
Ramanathapuram District.

+1cc to Mr.M.DINESH, Advocate, SR.No. 72188

+1cc to M/s.Special Government Pleader,SR.No.72436

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28.06.2019

TRP

KK/SAR/12.07.2019/3P-7C