



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP(MD)No.154 of 2019

and

WMP(MD)Nos.132, 133, 134 and 2717 of 2019

K.Amala Devi

... Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Fort St George, Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai -6.
4. The Chief Educational Officer,
Kokkirakulam,
Collectorate Campus,
Tirunelveli District.
5. The District Educational Officer,
DEO Office,
Tirunelveli Educational District,
Tirunelveli.

... Respondents

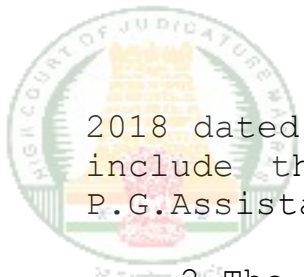
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for the records of the impugned order of 4th respondent in Na.Ka.No.248 / A3 / 2018 dated 18.06.2018 and quash the same and consequently direct the 3rd respondent to include the name of the petitioner in the new panel for the P.G.Assistant Chemistry.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mrs.S.Srimathy,

Special Government Pleader

ORDER



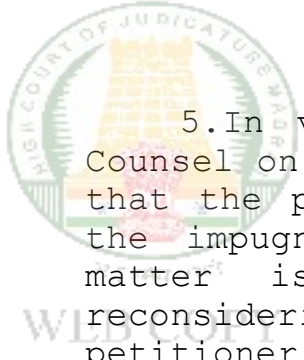
2018 dated 18.06.2018 and consequently direct the 3rd respondent to include the name of the petitioner in the new panel for the P.G.Assistant Chemistry.

2.The learned Counsel appearing for the petitioner submitted that based on the proceedings of the Joint Director, School Education (Higher Secondary Education), in Na.Ka.No.000413/W3/E3/2018, dated 14.06.2018, the promotional opportunity of the petitioner has been turned down by the impugned order dated 18.06.2018. Aggrieved against the said order, the petitioner is before this Court seeking to quash the same.

3.Upon notice, the fourth respondent has filed a counter affidavit, wherein at paragraph No.3 it has been stated as follows:

"03.At the outset, I submit that the above writ petition is not sustainable in law since Tmt.K.Amaladevi herself admitted in her writ petition that she had attended the counselling conducted for the vacancies of Post Graduate Teacher posts in Chemistry and many vacancies were displayed in the notice board for the post of Post Graduate Teacher (Chemistry) to be filled up by promotion from BT.Assistants in Tirunelveli District, but she had not chosen any vacancy, to which she shall be promoted as Post Graduate Teacher (Chemistry). Thus the petitioner had proved that she had no intention to be promoted as Post Graduate Teacher (Chemistry) in any of the vacancy in Tirunelveli District as displayed in the Notice Board and therefore, it means that she has relinquished her promotion when she was offered with number of vacancies. Once, the petitioner has not chosen any vacancy to promote her in that vacancy, it is obvious that she has relinquished the offer of promotion and thus she is not entitled for promotion for three years from 18.01.2018. When the fact is so, the fourth respondent correctly passed order in her proceedings in Na.Ka.no.248/A3/2018, dated 18.06.2018 recording her relinquishment of promotion temporarily for three years. Hence, the petitioner could claim to include her name in the panel till 01.01.2022 for personal interests of the petitioner. The interest of the qualified B.T.Assistant for promotion to the post of Post Graduate Teachers (Chemistry) would not be prevented. Hence, the above writ petition is liable to be dismissed."

4.The learned Counsel for the petitioner stoutly refuted the above stand taken by the respondents, by stating that the petitioner did not submit any such written representation, <https://hccs.csis.org/hccs/> for right of promotion.



5. In view of the above submissions so made by the learned Counsel on either side and also taking into consideration the fact that the petitioner did not relinquish her right of promotion, the impugned order dated 18.06.2018 is hereby set aside. The matter is remitted back to the fourth respondent, for reconsidering the case of the petitioner by referring the petitioner's name for the future counselling.

6. The writ petition is disposed of, on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
School Education Department,
Fort St George, Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 6.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road, Chennai -6.
4. The Chief Educational Officer,
Kokkirakulam, Collectorate Campus,
Tirunelveli District.
5. The District Educational Officer,
DEO Office,
Tirunelveli Educational District,
Tirunelveli.

+1 CC to MR.V.KARTHIKEYAN, Advocate (SR-61515[F] dated 22/04/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-61759[F] dated 23/04/2019)

WP (MD) No.154 of 2019
22.04.2019

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