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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM

THE HON'BLE Mr.JUSTICE R.MAHADEVAN

W.P.(MD) No.2745 of 2019

and

W.P.(MD) Nos.2086 and 2087 of 2019

M.Mary Jacklin Pushpa ... Petitioner

-vs-

1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 009.

3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

4.The District Educational Officer,
Thuckalay, Kanyakumari District.

5.The Correspondent,
All Saints Higher Secondary School,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the fourth respondent - District Educational Officer, in O.Mu.No.583/Aa2/2018, dated 06.03.2018, quash the same and further direct the third and fourth respondents to approve forthwith the promotion of the petitioner as BT Assistant (Science) in the fifth respondent school, namely, All Saints Higher Secondary School, Muttom, Kanyakumari District, w.e.f., the date of her promotion viz., 20.06.2017 with salary and all other attendant benefits.

For Petitioner : Mr.Ragatheesh Kumar
for M/s Isaac Chambers

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R.1 to R.4

**O R D E R**

Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

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2. The petitioner claims that she was promoted as BT Assistant (Science) in the fifth respondent School on and from 20.06.2017 and the said promotion was declined to be approved vide impugned proceedings issued by the District Educational Officer, in O.Mu.No.583/Aa2/2018, dated 06.03.2018. Challenging the same, the present Writ Petition has been filed.

3. Though the petitioner claims that she is fully eligible for the post of BT Assistant (Science), the promotion, as per the proposal submitted by the School to the District Educational Officer, vide letter ref:No.02/2018, dated 01.2018, has not been approved so far.

4. The learned Special Government Pleader, on instructions, submitted that the petitioner's claim for approving the promotion alone would be considered and all other averments made in this writ petition related to her pay as that of graduate teacher will be considered, subject to the result of the writ appeal pending in W.A. (MD)No.1384 of 2014. Such stand is agreeable for the petitioner.

5. In such view of the matter, the respondents 1 to 4 are directed to consider the claim of the petitioner with regard to her promotion and pass necessary orders, on merits and in accordance with law, after due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.

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

2.The Director of School Education,
College Road, Chennai-600 009.



3.The Chief Educational Officer,
Nagercoi, Kanyakumari District.

4.The District Educational Officer,
Thuckalay, Kanyakumari District.

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+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-51173[F] dated 01/03/2019
sp/08.04.2019/3p/6c

W.P. (MD) No.2745 of 2019

28.02.2019