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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.17049 of 2015

and M.P (MD) No.1 of 2015

B.B.Sibi Dhas

... Petitioner

Vs.

1.The Director of School Education,
Chennai - 6.

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

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

4.The Correspondent,
Yettacode Higher Secondary School,
Yettacode, Veeyanoor Post - 629 177,
Kanyakumari District.

5.D.P.Deva Sughi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the fourth respondent to cancel the appointment of the fifth respondent as P.G Assistant (History) and direct the third respondent to approve the promotion of the petitioner as P.G Assistant (History) by considering the proposal, dated 19.01.2015.

For Petitioner : Mr.V.Panneer Selvam
for M/s.C.S.Associates

For RR 1 to 3 : Mrs.S.Srimathy,
Special Government Pleader.
Mr.S.C.Herold Singh, for R4

For R - 5 : No appearance

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the fourth respondent to cancel the appointment of the fifth respondent as P.G Assistant (History) and direct the third respondent to approve the promotion of the petitioner as P.G Assistant (History) by considering the proposal, dated 19.01.2015.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as B.T Assistant (History) on 25.07.2007 in the fourth respondent School and thereafter, he was given promotion as P.G Assistant (History) on 21.02.2014 and the fourth respondent sent a proposal to the third respondent to approve the petitioner's promotion. In the mean time, direct payment was ordered and the fifth respondent was appointed as P.G Assistant (History). Hence, the petitioner sent a representation, dated 12.08.2015 to the respondents 1 to 3 seeking to approve the proposal submitted by the fourth respondent, dated 19.01.2015 and the same is said to be pending. Hence, the petitioner has filed the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the proposal of the fourth respondent, dated 19.01.2015 would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents 1 to 3 to consider the proposal submitted by the fourth respondent, dated 19.01.2015, seeking to approve the promotion given to the petitioner, in one way or other and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
Chennai - 6.

2. The Chief Educational Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Nagercoil,
Kanyakumari District.



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

+1cc to Mr.S.C.HEROLD SINGH, Advocate, SR.No. 56768

+1cc to Mr.V.PANNEER SELVAM, Advocate, SR.No.56999

+1cc to M/s.Special Government Pleader,SR.No. 57217

W.P (MD) No.17049 of 2015
26.03.2019

PS

KK/SAR/22.04.2019/ 3P- 7C