



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.16202 of 2019

P.Sivasakthi Ganesh Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.
- 2.The Chairman,
Teachers Recruitment Board,
Chennai - 6.
- 3.The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai - 6.
- 4.The Chief Educational Officer,
Tuticorin,
Tuticorin District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 herein to consider the representation of the petitioner, dated 01.07.2019 and pass appropriate order to give priority under Rights of Persons with Disabilities Act and re-allot the petitioner's seniority rank as per the petitioner's appointment date, in the State-Wide Promotion Panel, 2019 to the post of Headmaster in various Government Higher Secondary Schools, Tamil Nadu, within a time stipulated by this Court.

For Petitioner	: Mr.V.Meenakshisundaram
For R1, R3 & R4	: Mrs.S.Srimathy Special Government Pleader
For R2	: Mr.VR.Shanmuganathan Standing Counsel

**ORDER**

The petitioner has come up with the present Writ Petition seeking a direction to the respondents 2 and 3 herein to consider the representation of the petitioner, dated 01.07.2019 and pass appropriate orders to give priority under Rights of Persons with Disabilities Act and re-allot the petitioner's seniority rank as per the petitioner's appointment date, in the State-Wide Promotion Panel, 2019 to the post of Headmaster in various Government Higher Secondary Schools, Tamil Nadu, within a time stipulated by this Court.

2. According to the petitioner, he is working as P.G. Assistant (Botany) in Government Higher Secondary School, Ilayarasanenthal. While so, the provisional list of seniority was published by the third respondent, in which, his name was placed in Seniority Rank No.54 instead of placing him in Seniority Rank No.11. In this regard, to rectify the above said mistake, the petitioner has submitted a representation on 01.07.2019 to the respondents 2 and 3. Since the same has not been considered so far, the petitioner has come forward with this Writ Petition seeking for the above said relief.

3. The learned Special Government Pleader appearing for the respondents 1, 3 and 4 would submit that as per roster, the provisional list has been prepared and the same has also been forwarded to the authorities concerned. The learned Special Government Pleader would further submit that due to some error, the said mistake has occurred while preparing the final list of seniority. Further, she would submit that the petitioner's representation dated 01.07.2019 will be considered by the competent authority, within the time stipulated by this Court.

4. In the light of the aforesaid submission made by the learned Special Government Pleader, in the interest of justice, this Court is inclined to pass the following directions:-

(i) The second respondent Board shall forward the seniority list as drawn by the Board at the time of provisional selection, to the user Department viz., the third respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) Based on the said seniority list, the third respondent/Director of School Education Department, Chennai - 600 006, shall take necessary steps to consider the petitioner's objection and pass appropriate orders in accordance with law, within a period of six weeks thereafter.

(iii) Till the final order is passed by the third respondent, the final list of seniority for promotion drawn by the third respondent shall not be given effect to.



5. With the above directions, this Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (Writs)

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Chairman,
Teachers Recruitment Board,
Chennai - 6.
3. The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai - 6.
4. The Chief Educational Officer,
Tuticorin,
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CS(06.09.2019) 3P 5C