



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20024 of 2019

and

W.M.P. (MD) No.16547 of 2019

K.Jeya

... Petitioner

-Vs-

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tuticorin District, Tuticorin.

3.The District Educational Officer,
Tuticorin Educational District,
Tuticorin.

4.The Secretary,
School Committee,
Sri Kumaragurupara Swamigal
Higher Secondary School,
Srivaigundam.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to approve the promotion granted in favour of the petitioner in the post of B.T.Assistant (Tamil) with effect from 02.02.2018 in the 4th respondent School with all consequential and other attendant benefits including payment of salary in the post of B.T. Assistant (Tamil) from the date of promotion, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For R1 to R3 : Mr.M.Karuppasamy, GA



ORDER

This Writ Petition has been filed for a direction to the respondents 1 to 3 to approve the promotion granted in favour of the petitioner in the post of B.T.Assistant (Tamil) with effect from 02.02.2018 in the 4th respondent School with all consequential and other attendant benefits including payment of salary in the post of B.T. Assistant (Tamil) from the date of promotion, within a time frame to be fixed by this Court.

2.The petitioner was appointed as Secondary Grade Teacher in the fourth respondent School. After following the selection process, her appointment was approved by the Department. The petitioner has completed B.Lit., (Tamil) in May-2012, after obtaining permission from the fourth respondent School. Subsequently, the vacancy arose to the post of B.T.Assistant (Tamil) in the fourth respondent School due to promotion of incumbent Tmt.P.Muthulakshmi as P.G.Assistant (Tamil). The petitioner was given promotion as B.T.Assistant by the fourth respondent by his proceedings, dated 02.02.2018 and a proposal was sent to the third respondent to approve his promotion in the post of B.T.Assistant. But, the third respondent has not passed any order so far. Hence, the petitioner has come up with the present Writ petition.

3.Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 1 to 3.

4.The learned Government Advocate appearing for the respondents 1 to 3 submitted that the proposal originally sent by the fourth respondent was returned by the third respondent, calling for certain particulars with regard to permission given by the Department to promote the petitioner. But, the fourth respondent has not submitted the proposal.

5.The learned counsel for the petitioner submitted that after rectifying the defects, the fourth respondent has resubmitted the proposal on 26.08.2019.

6.Considering the rival submissions made by the learned counsel for the petitioner, without deciding the issue on merits, the fourth respondent is directed to resubmit the proposal, if not already submitted. On receipt of the same, the third respondent is directed to consider the proposal re-submitted by the fourth respondent and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

<https://hcservices.ecourts.gov.in/hcservices/> In the above direction, this Writ Petition stands



disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

Sub Assistant Registrar (CS)

msa

To

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tuticorin District,
Tuticorin.

3.The District Educational Officer,
Tuticorin Educational District,
Tuticorin.

+1 CC to M/s.SPL GP (SR-92110[F] dated 16/10/2019)

+1 CC to M/s.F.DEEPAAK, Advocate (SR-92265[F] dated 16/10/2019)

W.P. (MD) No.20024 of 2019
and

W.M.P. (MD) No.16547 of 2019
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JMN(08.11.2019) 3P : 6C