



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.25172 of 2019

J.Arul Regis

... Petitioner

-Vs-

- 1.The Chief Educational Officer
Office of the Chief Educational Office
Dindigul
Dindigul District
- 2.The District Educational Officer
Office of the District Educational Office
Bathalakundu
Dindigul District
- 3.The Secretary
N.S.V.V.Boys Higher Secondary School
Gandhipuram
Pattiveeranpatti
Dindigul District

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to dispose the appeal preferred by the petitioner on 26.07.2019 regarding appointment of Head Master by promotion in the 3rd respondent School in the light of communication sent by the 1st respondent in his proceedings in Na.Ka.No.7475/E1/2019 dated 13.10.2019 within the period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For R1 & R2	: Mr.M.Karuppasamy Government Advocate

ORDER

This petition has been filed for a direction to the 2nd respondent to dispose the appeal preferred by the petitioner on 26.07.2019 regarding the appointment of Head Master by promotion in



the 3rd respondent School in the light of communication sent by the 1st respondent, in his proceedings in Na.Ka.No.7475/E1/2019 dated 13.10.2019, within the period that may be stipulated by this Court.

2.The petitioner is working as Assistant Headmaster in the third respondent School. Due to the retirement of one A.Rajaguru as Headmaster on 31.05.2016 on attaining the age of superannuation, the petitioner is the senior most person and stands in Serial No.1 in the Seniority List, eligible for promotion to the post of Headmaster. However, at request of the Management, the petitioner relinquished his promotion to accommodate one R.Jayakumar as Headmaster, whereas the petitioner had been promoted as Assistant Headmaster. The petitioner made a representation dated 22.04.2019 to the third respondent, requested to promote him as Headmaster due to retirement of the said R.Jayakumar. But, the third respondent had promoted one K.R.Senthil Kumar as Headmaster. Hence, the petitioner made representations as well as appeal before the respondents 1 and 2 on various dates and the reminder dated 03.09.2019. The appeal preferred by the petitioner dated 26.07.2019 was forwarded to the second respondent by the first respondent dated 13.10.2019, directed the second respondent to take appropriate action. But, the second respondent has not taken any steps to dispose the appeal so far. Hence, the petitioner has come up with the present writ petition.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.Though the learned counsel appearing for the petitioner has raised various grounds, at the time of hearing has submitted that it would suffice if a direction is issued to the second respondent to dispose the appeal preferred by the petitioner, within a stipulated time.

5.Considering the submission of the learned counsel appearing for the petitioner, without deciding the issue on merits, the second respondent is directed to dispose the appeal preferred by the petitioner dated 26.07.2019 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Chief Educational Officer
Office of the Chief Educational Office
Dindigul
Dindigul District

2.The District Educational Officer
Office of the District Educational Office
Bathalakundu
Dindigul District.

+1 CC to M/s.Special Govt.Pleader (SR-102399[F] dated 28/11/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-102471[F] 29/11/2019)

W.P. (MD) No.25172 of 2019

27.11.2019

msa

SDS (18.12.2019) 3P 5C