

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2708 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in not including the name of the petitioner in the seniority list of eligible persons for promotion to the post of School Assistant (Physical Education) while including the names of several of his juniors in the said list, though the petitioner is fully eligible and qualified for promotion to the post of School Assistant (Physical Education) and even though a note is circulated within the office of respondent No.1 to include his name in the said seniority list, as arbitrary and illegal.

The petitioner was appointed as a Junior Assistant on 12.06.2009 and she is fully qualified and eligible for promotion to the post of School Assistant (Physical Education). While so, the respondents have prepared a seniority list of eligible candidates for promotion to the post of School Assistant (Physical Education) in July, 2018 wherein the name of the petitioner was not included, while including the names of several of his juniors in the said list. Therefore, the petitioner has submitted representations dated 07.08.2019 and 04.02.2019 requesting the respondents to include his name in the seniority list of eligible candidates for promotion to the post of School Assistant (Physical Education). The grievance of the

petitioner is that the respondents have neither passed orders on the said representations nor included the name of the petitioner in the seniority list of eligible candidates for promotion to the post of School Assistant (Physical Education). Hence, the present writ petition.

Heard Sri K. Narayana, learned counsel for the petitioner and the learned Government Pleader for Services appearing for the respondents.

Learned counsel for the petitioner submits that though the petitioner is fully qualified and eligible for promotion to the post of School Assistant (Physical Education), his name has not been included in the seniority list of persons eligible for promotion to the post of School Assistant (Physical Education). Learned counsel for the petitioner further submits that though the petitioner has submitted representations dated 07.08.2019 and 04.02.2019 seeking to include his name in the said seniority list, the respondents are not passing any orders on the said representations nor including the name of the petitioner in the said seniority list. The learned counsel, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider the representations dated 07.08.2019 and 04.02.2019 submitted by the petitioner and pass appropriate orders in accordance with law.

On the other hand, the learned Government Pleader for Services contends that the case of the petitioner will be

considered and appropriate orders would be passed on the representations dated 07.08.2019 and 04.02.2019 submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations dated 07.08.2019 and 04.02.2019 submitted by the petitioner to include his name in the seniority list of eligible candidates for promotion to the post of School Assistant (Physical Education) and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25.02.2019.
Msr

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