

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.27117 of 2013
and
M.P.No.1 of 2013

S.Prakash ... Petitioner

- Vs -

- 1.The Director of Elementary Education,
College Road, Chennai 6.
- 2.The District Elementary Educational Officer,
Villupuram District.
- 3.The Assistant Elementary Education Officer,
Sankarapuram,
Villupuram District. ... Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 2nd respondent to promote the petitioner to the post of B.T. Assistant (Maths) w.e.f. 01.06.2010 with all consequential benefits by including the name of the petitioner in the appropriate place in the seniority list of panel for promotion of B.T. Assistant as on 01.01.2010 and subsequent seniority list.

For Petitioner : M/S.S.N.Ravichandiran

For Respondents: Mr.S.Sureshkumar, GA

ORDER

This writ petition has been filed by the petitioner, to direct the 2nd respondent to promote the petitioner to the post of B.T. Assistant (Maths) w.e.f. 01.06.2010 with all consequential benefits by including the name of the petitioner in the appropriate place in the seniority list of panel for promotion of B.T. Assistant as on 01.01.2010 and subsequent seniority list.

2.The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher on 11.12.2006 through Teachers Recruitment Board, based on employment seniority and he was posted at Panchayat Union Primary School, Mottampatti. Thereafter he was transferred to Panchayat Union Primary School, Aarur in the year 2008. In the meanwhile, the petitioner studied B.Sc. (Maths) through correspondence course at Annamalai University and successfully passed out in the year 2006. With prior permission of the authority, he joined B.Ed course at Indira Gandhi Open University during 2007-2009. Thereafter the petitioner appeared for secondary examination in the month of December and last examination was held in the year 2010. Thereafter the result was published in the year 2010, and after receiving the mark sheets and provisional certificate in the same year, immediately the petitioner made a representation to the 3rd respondent on 17.05.2010, to register the same in the service record and also requested to consider him for the promotion as B.T. Assistant (Maths). The 3rd respondent made endorsement in the service record, but, however the petitioner was not promoted to the said post. Hence the petitioner filed a writ petition along with one Gomathi, in WP.No.18965 & 18966 of 2010 before this court. This court by its order dated 19.08.2010 granted an interim order in the M.P.No.1 of 2010 in W.P. No.18965/2010 and, thereafter, the writ petition was disposed of. In compliance of the order of this Court, the petitioner was given promotion in the year 2013, though the petitioner was eligible for promotion in the year 2010. Since promotion has not been granted to the petitioner from 2010, present writ petition is filed with the above said prayer.

3.Learned counsel appearing for the petitioner reiterated the grounds raised in the writ petition and contended that though the petitioner is entitled to get promotion in the year 2010, however the promotion was granted in favour of the petitioner only in the year 2013. Narrating the above said issue, the petitioner made a representation on 17.09.2013, till date the respondent has not passed any order. Hence, it would suffice if this Court issues a direction to the respondent to consider the petitioner's representation dated 17.09.2013 in accordance with law, within a reasonable time as fixed by this Court.

4.Per contra, learned Government Advocate appearing for the respondents submitted that though the petitioner's claim, the petitioner made a representation on 17.09.2013, wherein, the respondent granted promotion to the petitioner on the same day. Therefore, the present claim of the petitioner is not tenable. However, without conceding, learned Government Advocate submitted that this Court may issue a direction to the

petitioner to submit a fresh representation which will be disposed of within a time frame as fixed by this Court.

5. Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, without going into the merits of the issue, this Court directs the petitioner to submit a fresh representation along with this copy of order within a period of two weeks from the date of receipt of a copy of this order, and on such representation being filed, the respondent is directed to consider the representation made by the petitioner in accordance with law and pass orders thereon within a period of six months thereafter.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is also closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
College Road, Chennai 6.
- 2.The District Elementary Educational Officer,
Villupuram District.
- 3.The Assistant Elementary Education Officer,
Sankarapuram,
Villupuram District.

+1cc to the Government Pleader Sr.25182

W.P. NO.27117/2013

mg[col]
srg 14/08/2020