

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.12402 of 2017
WMP.No.13157 and 13158 of 2017

P.Devi

Petitioner

Vs

- 1.The Secretary to Government, School Education Department
Fort St.George, Chennai-9
- 2.The Director of Elementary Education,
College Road, Nungambakkam Chennai-6
- 3.The District Elementary Educational Officer,
Nagapattinam, Nagapattinam District
- 4.The Assistant Elementary Educational Officer,
Kizhaiyur Union, Nagapattinam District

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the Respondents to promote the Petitioner as B.T. Assistant (Science) in Kizhaiyur Union, based on the representation of the Petitioner, dated 10.03.2017.

For Petitioner : Mr.v.Kasinatha Bharathi

For Respondents : Mrs.P.Kavitha, GA

ORDER

1. The prayer in this Writ Petition is to issue a Writ of Mandamus to direct the Respondents to promote the Petitioner as a B.T. Assistant (Science) in Kizhaiyur Union, based on the representation of the Petitioner, dated 10.03.2017.

2. The case of the Petitioner is that the Petitioner was appointed as a Secondary Grade Teacher in the year 2013 and in December 2016, she had completed B.Ed Course and at the end of December 2016, a promotion panel for B.T. Teachers was prepared and she had requested the Respondents to include her name in the promotion panel for the B.T. Assistants and even on 10.03.2007, a representation was sent to the Respondents, seeking to include her name in the said promotion panel. Since no action is taken so far by the Respondents, this Writ Petition has been filed, seeking the relief as stated above.
3. This court heard the learned counsel on either side and considered their respective submissions and also perused the materials placed on record.
4. According to the learned counsel for the Petitioner, the Petitioner, having necessary educational qualification, is eligible for promotion to the post of B.T. Assistant and if she is not given promotion, she will be put to serious prejudice.
5. The learned Government Advocate for the Respondents, by filing a counter affidavit, has submitted that in and by the proceedings, dated 13.08.2016, in RC.No.2316/A2/B4/2016 issued by the 3rd Respondent, the Petitioner was informed that she can opt to continue either in the seniority list of the previous Union where she worked before deployment, i.e. Thalainayar Union or in the deployed Union i.e. Keelaiyur Union and pursuant to the said proceedings, the Petitioner had sent a letter dated, 03.03.2017, opting to remain in the seniority list of Thalainayar Union, which was also communicated by the 4th Respondent to the Assistant Elementary Educational Officer, Thalainayar Union, by letter dated, 4.3.2017 and hence, the claim of the Petitioner is not maintainable.
6. On considering the submissions of the learned counsel on either side and on perusal of the materials placed on record, including the counter affidavit filed by the Respondents and the letter dated, 3.3.2017 of the Petitioner, opting to remain in the seniority list of Thalainayar Union, a copy of which is produced along with the afore said communication dated 4.3.2017, the prayer as sought for in this Writ Petition cannot be granted.

7. In view of the above, this Writ Petition is dismissed. No costs. Consequently, the connected MPs are closed. However, it is open to the Petitioner to seek seniority in the aforesaid Thalainayar Union, if she is so advised.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

Srcm
To

1. The Secretary to Government, School Education Department
Fort St. George, Chennai-9
 2. The Director of Elementary Education,
College Road Nungambakkam Chennai-6
 3. The District Elementary Educational Officer, Nagapattinam
 4. The Assistant Elementary Educational Officer,
Kizhaimyur Union, Nagapattinam
- +1 cc to Special Government Pleader sr9477
+1 cc to M/s. Ln.V. Kasinatha Bharathi Advocate sr8794

rp(co)
aa15/04/2020

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