



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.5586 of 2012

S.Anitha

Petitioner

Vs

1. The Director of Elementary Education,
College Road, Chennai - 600 006.

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

3. The District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4. The Assistant Elementary Educational Officer,
Thiruppullani Union,
Ramanathapuram District.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.94/Aa1/2012 dated 13.01.2012 on the file of the respondent No.4 and quash the same as illegal and consequently to direct the respondents to consider the petitioner for promotion to the post of BT Assistant (Maths) in the vacant post of B.T.Assistant (Maths) as shown in the proceedings of the respondent No.2 in Na.Ka.No.9835/A2/2011 dated 17.12.2011, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

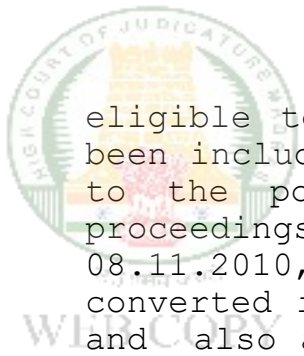
For Respondents : Mr.Shanmughaselvam

Special Government Pleader

O R D E R

This Writ Petition is filed by the petitioner to call for the records pertaining to the impugned order in Na.Ka.No.94/Aa1/2012 dated 13.01.2012 on the file of the respondent No.4 and quash the same as illegal and consequently to direct the respondents to consider the petitioner for promotion to the post of BT Assistant (Maths) in the vacant post of B.T. Assistant (Maths) as shown in the proceedings of the respondent No.2 in Na.Ka.No.9835/A2/2011 dated 17.12.2011, within the time stipulated by this Court.

2. The case of the petitioner is that the petitioner is working as the Secondary Grade Teacher at panchayat Union Elementary School, Lanthai, Thiruppullani Union, Ramanad District. She was



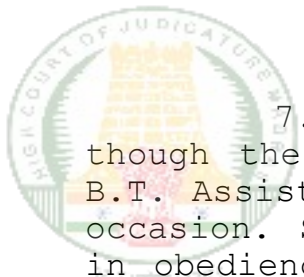
eligible to be promoted as B.T.Assistant(Maths) and her name also been included in the first place of the seniority list for promotion to the post of B.T. Assistant as on 01.01.2011. As per the proceedings of the second respondent in Na.Ka.No.2769/Aa2/2010 dated 08.11.2010, certain vacant posts of Secondary Grade Teachers were converted into B.T. Assistant Posts due to strength of the students and also a post of B.T. Assistant (Maths) was created at Panchayat Union Middle School, Kanjirankudi, Thiruppullani Union. The said vacant post was not shown during the counselling on 16.09.2011 by the third respondent. After knowing about the vacancy, the petitioner has given representation dated 17.12.2011 to consider her for promotion to the vacant post of B.T. Assistant (Maths) and the fourth respondent had issued the impugned order dated 13.01.2012, rejecting the petitioner's claim on the ground that as on 01.01.2010, there was no eligible candidate for promotion to the said post. The said post of B.T. Assistant (Maths) was created as on 05.10.2010 and till 17.12.2011, it was vacant in the Middle School and thereafter though it has been given to Secondary Education on account of the up-gradation of the said school, the post is still vacant. Challenging the impugned order, the petitioner has filed this present Writ Petition.

3. The learned counsel for the petitioner submitted that though the post of B.T. Assistant (Maths) was vacant at the time of counselling, it was not shown by the third respondent. Further, the said post is still vacant and hence the learned counsel seeks direction of this Court to direct the respondents to consider her representation for promotion as B.T. Assistant(Maths).

4. Opposing the claim of the petitioner, the learned Special Government Pleader appearing for the respondents has filed counter affidavit.

5. In an earlier occasion, this Court has directed the learned Special Government Pleader to confirm as to whether there are vacancies for the post of B.T. Assistant (Maths), for which, the learned Special Government Pleader has produced the Abstract showing the details of vacancies as given below:

S.No.	SCHOOL NAME	SANCTIONED POSTS	MATHS VACANT
1.	Municipal Girls Higher Secondary School, Ramanathapuram	6	1
2.	Government High School, Peravoor	7	1
3.	Government Higher Secondary School, Vannangundu	10	1
4.	Government High School, Kuruvadi	8	1



7. From the above pleadings, it is crystal clear that though the petitioner was eligible to be promoted to the post of B.T. Assistant (Maths), it was denied by the respondents in earlier occasion. Subsequently, during the pendency of this Writ Petition, in obedience to the direction of this Court, the learned Special Government Pleader has submitted the details of the vacancy position of B.T. Assistant (Maths), which shows that there are four vacancies in different schools. Further, it is to be noted that the petitioner is also eligible for the said promotion. Hence, it is appropriate to issue direction to the respondents to accommodate the petitioner in any one of the school as B.T. Assistant(Maths).

8. For all the foregoing reasons, the respondents concerned are directed to restore the seniority list and place the petitioner in the right place and also promote the petitioner as B.T. Assistant (Maths) in any one of the Schools mentioned by the respondents and further directed the respondents to release all monetary benefits to the petitioner. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that the persons, who were already promoted shall not be disturbed, while the petitioner's promotion process takes place.

9. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
 2. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
 3. The District Elementary Educational Officer,
Ramanathapuram, Ramanathapuram District.
 4. The Assistant Elementary Educational Officer,
Thiruppullani Union, Ramanathapuram District.
- +1 CC to M/s.SPL.GP (SR-8761[F] dated 27/02/2020)
+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-8880[F]

W.P. (MD) No.5586 of 2012

25.02.2020

SMA/20/03/2020/3P/7C

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