



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10398 of 2020

WEB COPY

T.Ponmathi

... Petitioner

Vs.

- 1) The Chief Educational Officer,
Virudhunagar District.
- 2) The District Educational Officer,
Aruppukkottai, Virudhunagar District.
- 3) The Secretary,
SBK Higher Secondary School,
Kalloorani-626 105,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to approve the promotion in the nature of Writ, directing the respondents to approve the promotion of the petitioner as B.T. Assistant (Science) with effect from 03.06.2019 as per the proposal submitted by the third respondent dated 03.06.2019 and confer all the consequential benefits.

For Petitioner: Mr.V.Panneer Selvam

For RR 1 & 2 : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, seeking for a direction to the respondents to approve the promotion of the petitioner as B.T. Assistant (Science), with effect from 03.06.2019, as per the proposal submitted by the third respondent dated 03.06.2019 and confer all the consequential benefits.

2. The case of the petitioner is that, in the third respondent School, one Somasundaramoorthy was working as B.T.Assistant (Science), which is a sanctioned post and since he has been promoted as P.G.Assistant (History) from 09.11.2018, the post has become vacant, where, the petitioner, who was already working as Lab Assistant in the third respondent School, has been selected and appointed as B.T.Assistant (Science), with effect from



03.06.2019, by order of appointment dated 03.06.2019 by the third respondent School.

3. On the same day, the said appointment proposal has been sent for approval to the first respondent through the second respondent and since the said proposal has not so far been considered and no orders to that effect has been passed by the official respondents, the petitioner is before this Court.

4. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that, whether the promotion given to another incumbent, who was hitherto working in the post, where the petitioner now has been appointed, has to be first scrutinized and then only, the proposal, now sent by the third respondent School for the appointment of the petitioner as B.T.Assistant (Science) would be considered.

5. I have considered the said submissions made by the learned counsel appearing on both sides and in view of the above said factual matrix and with regard to the submissions made by both sides, this Court is inclined to dispose of the writ petition with the following order:-

"that the respondents, especially the first respondent, is hereby directed to consider the proposal dated 03.06.2019 sent by the third respondent School with regard to the appointment of the petitioner as B.T.Assistant (Science), with effect from 03.06.2019 and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order."

6. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

STS

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized

<https://hcservices.ecourts.gov.in/hcservices/>



for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

WEB COPY

- 1) The Chief Educational Officer,
Virudhunagar District.
 - 2) The District Educational Officer,
Aruppukkottai, Virudhunagar District.
- +1 CC to SGP (SR-15537[F] dated 01/09/2020)

Order made in
W.P. (MD)No.10398 of 2020

Dated:
31.08.2020

SVN(CO)
KM (29.09.2020) 3P 4C