



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.12.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.18360 of 2020

S.Murugan

...Petitioner

Vs

1.The Chief Educational Officer,
Pudukottai.

2.The District Elementary Educational Officer,
Pudukottai.

3.The Assistant Elementary Educational Officer,
Avudaiyarkoil,
Pudukottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner representation dated 28.10.2020 for promoting the petitioner to the post of B.T.Assistant (English) for the period 2016 and thereby grant all service and monetary benefits within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.K.Gurunathan
For Respondents	: Mr.N.Shanmugaselvam Additional Government Pleader

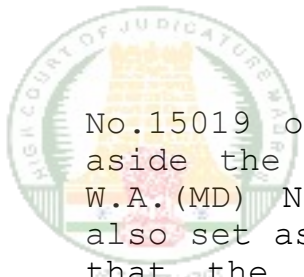
ORDER

This Writ Petition is filed to direct the respondents to consider and pass appropriate orders on the petitioner's representation, dated 28.10.2020 seeking to promote him as B.T.Assistant (English).

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.It is the grievance of the petitioner that though he is eligible for promotion to the post of B.T.Assistant (English), the persons, namely, Arunkumar and Dharmaraj, who have possessed the degree by way of dual course and are not impleaded as necessary party in this writ petition, were granted with promotion by the 2nd respondent, without considering the objection made by the petitioner.

4.The learned counsel appearing for the petitioner would submit that the promotion granted to the aforesaid Arunkumar and Dharmaraj was challenged by one Saravanan before this Court in W.P.(MD)



No.15019 of 2016 and this Court, by order dated 21.03.2018, set aside the promotion granted to Dharmaraj alone, but on appeal in W.A.(MD) No.1606 of 2018, the promotion granted to Arunkumar was also set aside, by order dated 26.09.2019. He would therefore submit that the petitioner is entitled for promotion to the post of B.T.Assistant (English). In this regard, the petitioner has made a representation, dated 28.10.2020 to the respondents seeking to promote him as B.T.Assistant (English), but the respondents have not considered the same so far. Hence, the present writ petition.

5.In reply, Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents would fairly submit that the petitioner's representation, dated 28.10.2020 would be considered on merits and in accordance with law, within a period of eight weeks.

6.When the matter is taken up for hearing today through video conferencing, one Mr.Gokul, learned counsel, who appeared on behalf of one Dharmaraj, who is not a party in this writ petition, has opposed the contention of the learned counsel appearing for the petitioner that the petitioner is eligible for promotion to the post of B.T.Assistant (English).

7.By taking into consideration of the submissions made by the learned counsel on either side, this Court is inclined to pass the following direction:-

the 2nd respondent is directed to consider the petitioner's representation, dated 28.10.2020 and pass appropriate orders on merits and in accordance with law and by taking into consideration of the objection received by him, if any, within a period of eight weeks from the date of receipt of a copy of this order;

8.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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

1.The Chief Educational Officer,
Pudukottai.

2.The District Elementary Educational Officer,
Pudukottai.

3.The Assistant Elementary Educational Officer,
Avudaiyarkoil,
Pudukottai District.

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-25802[F] dated 16/12/2020)

W.P. (MD) No.18360 of 2020
14.12.2020

MK (CO)

KB (30.12.2020) 3P 5C