



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.11338 of 2015

and

M.P (MD) .No. 2 of 2015

M.Rajamani

... Petitioner

-Vs-

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai 600 006.

3.The District Educational Officer,
Thuckalay Educational District,
Thuckalay, Kanyakumari District 629 175.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent vide his proceedings in O.Mu.No.70350/A3/E1/08, dated 29.07.2008 quash the same and consequently directing the respondents 1 to 3 herein to retrospectively promote the petitioner as "Superintendent" from the post of Assistant notionally with effect from 20.10.2005 from which his juniors, who have been promoted as "Superintendent" and confer all monetary benefits to the petitioner.

For Petitioner	: Mr.L.Shaji Chellan
For Respondents	: Mr.J.Gunaseelan Muthiah
	Additional Government Pleader

ORDER

The impugned order dated 29.07.2008 rejecting the claim of the writ petitioner for promotion on par with his junior one Mr.S.Sivasankaran is under challenge in the present writ petition, further direction is sought for to direct the respondents to promote the writ petitioner retrospectively to the post of Superintendent.



2.The petitioner was appointed as Office Assistant and thereafter, the post was re-designated as Lab Assistant. He was promoted to the post of Junior Assistant on 15.02.1994. He was promoted to the post of Assistant on 20.10.1995 and the petitioner states that he was fully qualified for promotion to the post of Superintendent.

3.The petitioner retired from service on 31.05.2008. The grievances of the writ petitioner is that one Mr.S.Sivasankaran, who was his junior, was promoted as Superintendent and therefore, the writ petitioner is also to be promoted as Superintendent.

4.This Court is of the considered opinion that the writ petitioner retired from service on 31.05.2008. The writ petition itself is filed after a lapse of seven years from the date of retirement in the year 2015. It is categorically stated that the said Mr.S.Sivasankaran was regularised in the post of Junior Assistant on 16.05.1988 and he was promoted to the post of Assistant on 04.04.1994. However, the petitioner was promoted as Assistant on 20.10.1995 even as per the affidavit filed by the writ petitioner. Thus, the said Sivasankaran is not at all a junior to the writ petitioner. The feeder category for promotion to the post of Superintendent is Assistant. When the petitioner was promoted as Assistant on 20.10.1995 and the said Sivasankaran was promoted as Assistant on 04.04.1994, there is no reason to consider the case of the writ petitioner for retrospective promotion on par with his junior Mr.S.Sivasankaran to the post of Superintendent. This apart, the writ petition itself is filed after a lapse of seven years from the date of retirement. Even at the time of filing of this writ petition, the writ petitioner was aged about 65 years. Thus, the Writ Petition stands dismissed both on merits as well as on the ground of laches. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk



To

1.The Director of School Education,
DPI Campus, College Road,
Chennai- 600 006.

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Chennai- 600 006.

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+1 CC to SGP (SR-23487[F] dated 01/12/2020)

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DKS (CO)
KM (11.12.2020) 3P 5C