



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.11.2020
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos. 17289 to 17291 of 2015

and

M.P. (MD) Nos. 1, 1 and 1 of 2015

and

W.M.P. (MD) Nos. 291, 292 and 2147 of 2016

N.Tamilarasu ... Petitioner in W.P. (MD) No. 17289 of 2015

K.Raja ... Petitioner in W.P. (MD) No. 17290 of 2015

R.Rajkumar ... Petitioner in W.P. (MD) No. 17291 of 2015

Vs.

1. The Director of School Education,
DPI Complex,
College Road,
Chennai.

2. The Joint Director (Personnel),
Directorate of School Education,
DPI Complex,
College Road,
Chennai.

... Respondents in all W.Ps.

Prayer in W.P. (MD) No. 17289 of 2015: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.37606/C4/E2/2012-1, dated 19.08.2015 and quash the same and direct the respondents to include the petitioner's name in the panel for promotion to the post of Physical Director Grade II as on 01.01.2013 and to give promotion to the post of Physical Director Grade II.

Prayer in W.P. (MD) No. 17290 of 2015: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.37606/C4/E2/2012-2, dated 19.08.2015 and quash the same and direct the respondents to include the petitioner's name in the panel for promotion to the post of Physical Director Grade II as on 01.01.2013 and to give promotion to the post of Physical Director Grade II.



Prayer in W.P. (MD) No. 17291 of 2015: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.37606/C4/E2/2012-3, dated 19.08.2015 and quash the same and direct the respondents to include the petitioner's name in the panel for promotion to the post of Physical Director Grade II as on 01.01.2013 and to give promotion to the post of Physical Director Grade II.

For Petitioner : Mr.V.Panneer Selvam
(in all W.Ps) for M/s.C.S.Associates

For Respondents : Mrs.S.Srimathy
Special Government Pleader

COMMON ORDER

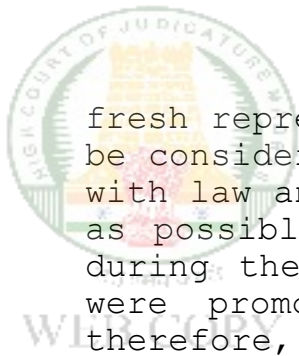
The rejection of the claim of the writ petitioners for grant of promotion to the post of Physical Director Grade II as on 01.01.2013 is under challenge in the present writ petitions.

2.The grievances of the writ petitioner are that they are fully qualified for the promotion to the post of Physical Director Grade II and inspite of the fact that they are qualified, promotions were not granted to them without any valid reason. Admittedly, there was a dispute with reference to the qualifications acquired by the petitioners during the relevant point of time. Since the disputes arose, the case of the writ petitioners were not considered. Subsequently, the disputes were resolved and the writ petitioners were granted promotion.

3.The learned Special Government Pleader also confirmed the fact that all the writ petitioners were promoted as Physical Director Grade II and working as such.

4.The learned counsel for the petitioners states that they are entitled for retrospective promotion from the date on which, their juniors were promoted.

5.These facts are to be verified with reference to the date of promotion of the juniors and their qualifications and other criteria. Thus, issues cannot be resolved in these writ petitions as the claim of the writ petitioners for promotion itself was rejected and subsequently, the writ petitioners were promoted. Thus, with reference to the grant of retrospective promotion, the petitioners have to submit the details regarding the promotion of the juniors and their qualifications and other relevant Rules in force. In this regard, the writ petitioners are at liberty to submit a fresh representation and in the event of submitting any



fresh representation seeking retrospective promotion, the same is to be considered by the competent authority on merits and in accordance with law and an appropriate decision is to be taken as expeditiously as possible. As far as the present writ petitions are concerned, during the pendency of these writ petitions, the writ petitioners were promoted to the post of Physical Director Grade II and therefore, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

// 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 Director of School Education,
DPI Complex,
College Road,
Chennai.
2. The Joint Director (Personnel),
Directorate of School Education,
DPI Complex,
College Road,
Chennai.

+1 CC to SGP (SR-23028[F] dated 26/11/2020)

W.P. (MD) Nos. 17289 to 17291 of 2015

23.11.2020

SR (CO)

NR (04/12/2020) 3P : 4C