

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.14258 of 2010

and M.P.Nos.1 and 2 of 2010

1.M.Revathy

2.K.Seethalakshmi

... Petitioners

-Vs-

1.The Government of Tamilnadu
rep.by its Commissioner
Adi Dravidar Welfare Department
Chennai 600 005.

2.District Adi Dravidar Welfare Officer
Nagapattinam District. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to consider and promote the petitioner to the post of B.T. Assistant as per their seniority and eligibility when the respective vacancies arose i.e. 2008-2009 and 2009-2010 in the Adi Dravida welfare Schools/ Hostels in the Nagapattinam District with due seniority monetary and other benefits from the date the respective vacancy arose and direct the 1st and 2nd respondent to henceforth effect promotions to the post of B.T. Assistant if the qualified and eligible candidates are available within a time frame so that the education of the students are not affect and also the avoid the situation where the eligible candidates are made in-eligible because of the delay.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the respondents 1 and 2 to consider and promote the petitioner to the post of B.T. Assistant as per their seniority and eligibility when the respective vacancies arose i.e. 2008-2009 and 2009-2010 in the Adi Dravida welfare Schools/ Hostels in the Nagapattinam District with due seniority monetary and other benefits from the date the respective vacancy arose and direct the 1st and 2nd respondent to henceforth effect promotions to the post of B.T. Assistant if the qualified and eligible candidates are available

within a time frame so that the education of the students are not affected and also to avoid the situation where the eligible candidates are made in-eligible because of the delay.

2. Though the petitioners were working as Secondary Grade Teachers according to them, in the year 2008-09, they became eligible to be considered for promotion, in view of the policy, by issuance of relevant Government Orders to employ B.T.Assistants for taking classes of 6,7 and 8th Standard in Government Schools.

3. In this context, though there had been several communications and correspondences between the petitioners and the respondents, ultimately a representation had been made in this regard on behalf of the petitioners on 15.05.2010 and 10.06.2010, where they have stated as to how they became eligible to be considered for promotion to the post of B.T.Assistant, and accordingly they want to be conferred with promotional benefits. Since the said representations were not considered by the respondents, the petitioners have approached this Court with the aforesaid prayer.

4. Heard Mr.S.Saravana Kumar, learned counsel for the petitioners, who has reiterated the above and seeks the indulgence of this Court.

5. Learned Special Government Pleader, Mr.Magesh would submit that, whether the petitioners would be eligible to be considered for promotion to the post of B.T.Assistant would have to be examined by the respondents and at this length of time, will they be eligible to be considered for promotion would also be gone into by the respondents and in this regard the representations submitted by them as referred to above, would be considered and necessary orders to that effect would be passed within the time frame to be stipulated by this Court. He would also submit that, due to passage of time, it may be directed that the petitioners shall provide with a copy of the representations forwarded by them along with a copy of this order so that the needful can be done on merits, within a time frame.

6. I have considered the submissions made by the learned counsel on both sides and also perused the materials placed on record.

7. In view of the above circumstances, this writ petition is disposed of with the following order.

8. That the respondents herein, especially the second respondent is directed to consider the representation of the petitioners dated 15.05.2010 and 10.06.2020 on merits and in accordance with law and an order to that effect shall be passed, if not already passed, by the respondents within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. It is made clear that a copy of the said representations referred to above shall also be annexed by the petitioners along with a copy of this order, and on receipt of the same, needful as indicated above shall be undertaken within the time frame stipulated above.

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS I)

/true copy/
Sub Asst. Registrar

KST

To

1.The Commissioner
Adi Dravidar Welfare Department
Chennai 600 005.

2.District Adi Dravidar Welfare Officer
Nagapattinam District.

+1 cc to the Government Pleader sr7083

+1 cc to Mr.S.Saravana kumar ADvocate sr7552

W.P.No.14258 of 2010

aa25/02/2021