

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.5236 OF 2021

AND

W.M.P.NOS.5801 AND 5802 OF 2021

(HEARD THROUGH VC)

L.Vadivelu

.. Petitioner

-vs-

1. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
School Education Department,  
Fort St.George, Chennai - 600 009.
2. The Director of Elementary Education,  
DPI Complex, College Road,  
Chennai - 600 006.
3. The Chief Educational Officer,  
O/o.The Chief Educational Office,  
Dharmapuri, Dharmapuri District.
4. The District Educational Officer,  
O/o.The District Educational Office,  
Dharmapuri, Dharmapuri District.
5. The Block Educational Officer,  
O/o.The Block Educational Office,  
Karimangalam, Dharmapuri District.

.. Respondents

Prayer:

Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in his proceedings in ந.க.எண். 2145/அ7/2019 dated 27.06.2019 and quash the same as illegal and consequently to direct the respondents to promote the petitioner as Head Master of the Middle School taking into consideration of the petitioner's seniority in the cadre of B.T.Assistant in accordance with Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period that may be stipulated by this Honourable Court.

For Petitioner : Mr.H.Mohamed Imran  
For Respondents : Mr.P.Raja  
Government Advocate

O R D E R

The petitioner has come up with this writ petition challenging the impugned order passed by the 4<sup>th</sup> respondent in his proceedings in ந.க.எண் .2145/அ7/2019 dated 27.06.2019 and consequently for a direction to the respondents to promote the petitioner as Head Master of the Middle School taking into consideration of his seniority in the cadre of B.T.Assistant in accordance with Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within the period that may be stipulated by this Honourable Court.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

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

4. When the matter is taken up for hearing, it is represented by Mr.P.Raja, learned Government Advocate appearing for the respondents that the issue is covered by the order in W.P.No.18996 of 2019 dated 04.12.2019. However, some of such similar orders passed by this Court have been tested in appeal and they are pending before the Division Bench of this Court.

5. Taking note of the above submission, the case of the petitioner shall be considered depending upon the decision of the Division Bench. However, this Court makes it very clear that the order in Writ Appeal will be binding on the petitioner herein also. Hence, it is open to the petitioner to ascertain the Writ Appeal number and get himself impleaded in the writ appeal and later he cannot take a stand that he is not aware of the Writ Appeal or the proceedings and that the orders have been passed without hearing him. This Court further makes it very clear that in case the order of the learned Single Judge is reversed, the petitioner may be informed about the order, enclosing a copy of the order, decision can be taken. There is no need for a hearing to the petitioner.

6. Accordingly, the Writ petition is allowed in terms of the order dated 04.12.2019 in W.P.No.18996 of 2019. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Secretary to Government,  
School Education Department,  
Fort St. George,  
Chennai - 600 009.
2. The Director of Elementary Education,  
DPI Complex, College Road,  
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O/o.The District Educational Office,  
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O/o. The Block Educational Office,  
Karimangalam, Dharmapuri District.

+1cc to the Government Pleader, S.R.No.14852

W.P.No.5236 of 2021  
and  
W.M.P.Nos.5801 and 5802 of 2021

RR(CO)  
CS/22/06/2021