



IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5446 of 2021 and  
WMP No.6047 of 2021

T.Sundar

... Petitioner

-vs-

1. The Director of Elementary Education,  
DPI Complex, College Road,  
Chennai 600 006.
2. The Chief Educational Officer,  
Thiruvannamali District,  
Thiruvannamalai.
3. The District Educational Officer,  
Thiruvannamali District,  
Thiruvannamalai.
4. The Block Educational Officer,  
Chetpet Union,  
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to grant promotion to the petitioner to the post of B.T. Assistant (Science) in Chetpet Union, Thiruvannamalai District, in operation of panel for the year 2020 issued by the 3<sup>rd</sup> respondent, dated 10.03.2020, withheld due to Covid-19 situation, following the year wise panel as per Rules; before resorting to implementation of 2021 panel issued by the 3<sup>rd</sup> respondent, dated 19.02.2021 and 23.02.2021 and consequently to consider the petitioner for promotion to the post of B.T.Assistant (Science) in the single vacancy within the Union, based on 2020 panel, in consideration of the representation of the petitioner, dated 23.02.2021, with consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents: Mr.P.Raja,  
Government Advocate



## O R D E R

This Writ petition is filed, seeking a direction to the respondents to grant promotion to the post of B.T. Assistant (Science) in Chetpet Union, Thiruvannamalai District, in operation of panel for the year 2020 issued by the 3<sup>rd</sup> respondent, dated 10.03.2020, withheld due to Covid-19 situation, following in the year wise panel as per Rules; before resorting to implementation of 2021 panel issued by the 3<sup>rd</sup> respondent, dated 19.02.2021 and 23.02.2021 and consequently to consider the petitioner for promotion to the post of B.T. Assistant (Science) in the single vacancy within the Union, based on 2020 panel, in consideration of the representation of the petitioner, dated 23.02.2021.

2. Mr. P. Raja, learned Government Advocate takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3. According to the petitioner, he has been working as a Secondary Grade Teacher since 21.09.2011. Though, the petitioner is qualified with B.Sc., (Zoology) and B.Ed., he is eligible for promotion to the post of B.T. Assistant (Science). Subsequently, the panel for promotion was fixed as on 01.01.2020 in which the name of the petitioner places first in the seniority list. But, due to Covid - 19 pandemic situation, there is no orders issued for promotion in 2020. It is the grievance of the petitioner, that, now in 2021, instead of implementing the panel of the year 2020, the 3<sup>rd</sup> respondent issued panel for the year 2021 for promotion of B.T. Assistant, by preparing two sets of panel, one for eligible persons working in the post of Secondary Grade Teacher and another for eligible persons working in the post of primary School Headmaster. In this regard, the petitioner made a representation to the respondents seeking to consider him for promotion to the post of B.T. Assistant (Science) in the single vacancy available in Chetpet Union in accordance with 2020 panel. As there is no reply on the representation, the petitioner is before this Court by filing the present Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents and not disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 23.02.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as



possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 23.02.2021 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

vum

To

1. The Director of Elementary Education,  
DPI Complex, College Road,  
Chennai 600 006.



WEB COPY

2. The Chief Educational Officer,  
Thiruvannamali District,  
Thiruvannamalai.

3. The District Educational Officer,  
Thiruvannamali District,  
Thiruvannamalai.

4. The Block Educational Officer,  
Chetpet Union,  
Thiruvannamalai District.

+1cc to M/s.G.Sankaran, Advocate SR.No.14657

+1cc to Government Pleader SR.No.14837

W.P.No.5446 of 2021 and  
WMP No.6047 of 2021

GMI (CO)  
GMY (15/04/2021)