

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31814 of 2014

And

W.M.P.No.22051 of 2017

N.Kannagi

... Petitioner

Vs.

1.The District Educational Officer,
Coimbatore District,
Coimbatore.

2.The Secretary,
P.S.G.R.Krishnammal Higher Secondary School,
Pilamedu,
Coimbatore.

3.Mrs.Thamarai Selvi

4.Premakumari

5.Nirmala Banu

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to promote the petitioner as P.G.Assistant from the year 2013 and place her in and above the 3rd and 4th respondents and settle monetary benefits from 27.06.2003 by treating the petitioner as a B.T.Assistant from the year 2003.

For Petitioner : Mr.T.Arunkumar

For Respondents: Mr.P.Chinnadurai for R1
Additional Government Pleader
Mr.R.Bharathkumar for R2

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents 1 and 2 to promote her as P.G.Assistant from the year 2013 and to place her in and above the respondents 3 and 4 and to settle monetary benefits from 27.06.2003 by treating her as a B.T.Assistant from the year 2003.

2.The case of the petitioner is that she was appointed as a Secondary Grade Assistant by the second respondent and her service was regularized on 09.06.2003. According to her, on the date of appointment, she was qualified for the post of B.T.Assistant, however, the School Management appointed respondents 3, 4 and 5 as B.T.Assistants during the years 2004, 2004 and 2008 respectively, violating the service Rules and Government Orders. Hence, she made representation dated 09.06.2014 to the respondents requesting to consider her name on the basis of seniority, however, her claim was not considered on the ground that she did not claim her seniority immediately. Aggrieved by the same, the petitioner has filed this writ petition.

3.The first respondent has filed a counter affidavit stating that the fourth respondent due to her personal reasons relinquished the promotion as P.G.Assistant (Maths) and hence she was reverted back to B.T.Assistant and the post was kept vacant from 24.01.2015. It is further stated that the fifth respondent is not having the qualification eligible for P.G.Assistant (Maths) and the petitioner is the only person next to be promoted as P.G.Assistant (Maths), however, the second respondent is not in a position to take further action to fill up the post, as the petitioner has filed this writ petition.

4.In view of the averment so made in the counter affidavit filed by the first respondent, this Court is of the opinion that the respondents 1 and 2 have no other impediment to consider the claim of the petitioner. Hence, this Court directs the respondents 1 and 2 to consider the claim of the petitioner and pass appropriate orders, purely on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

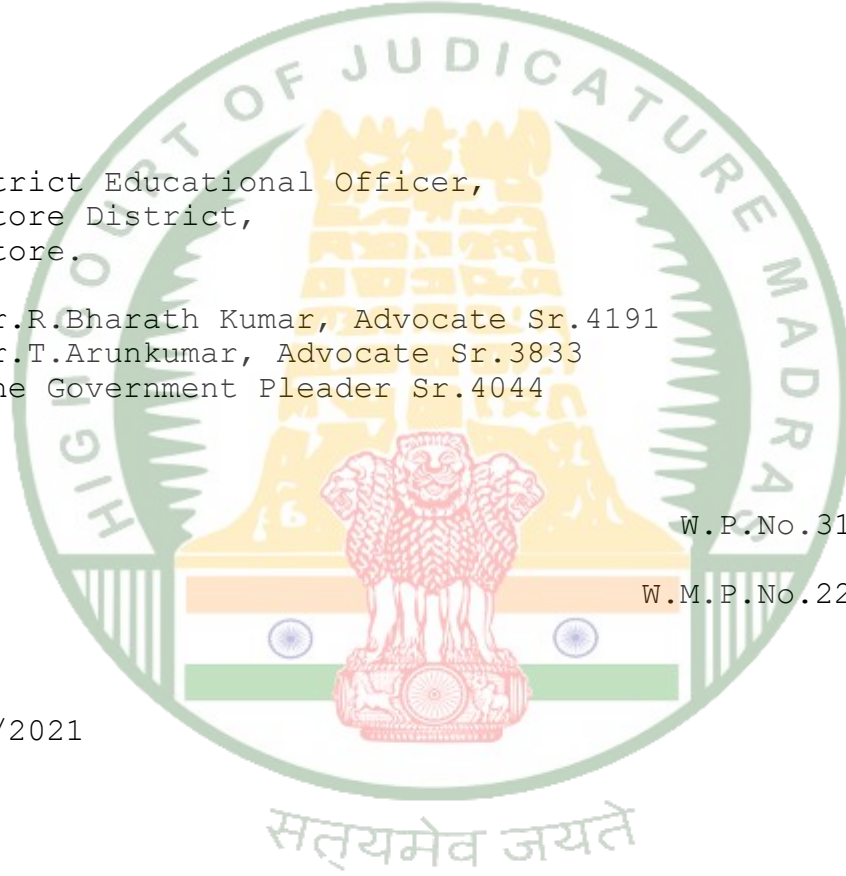
pri
To

The District Educational Officer,
Coimbatore District,
Coimbatore.

+1cc to Mr.R.Bharath Kumar, Advocate Sr.4191
+1cc to Mr.T.Arunkumar, Advocate Sr.3833
+1cc to the Government Pleader Sr.4044

W.P.No.31814 of 2014
And
W.M.P.No.22051 of 2017

ssi[co]
srg 03/03/2021



WEB COPY