



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.8566 of 2012

and

M.P. (MD)No. 2 of 2012

V.Selvi

... Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Thoothukudi.
- 3.The Assistant Elementary Educational Officer,
Pudur Union,
Sivalarpatti,
Vilathikulam Taluk,
Thoothukudi District.
- 4.The Additional Assistant Elementary
Educational Officer,
Pudur Union,
Sivalarpatti,
Vilathikulam Taluk,
Thoothukudi District.

5.S.Marimuthu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned seniority list for the post of Middle School Headmaster as on 01.01.2012 prepared by the fourth respondent quash the same in so far as placing the 5th respondent in Serial No.9 and consequently place the petitioner ahead of the fifth respondent.



For Petitioner : Mr.R.Subramanian
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for R.1 to R.4
: Mr.Prabhu
for M/s Xavier Rajini, for R.5

WEB COPY

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned seniority list for the post of Middle School Headmaster as on 01.01.2012 prepared by the fourth respondent quash the same in so far as placing the 5th respondent in Serial No.9 and consequently place the petitioner ahead of the fifth respondent.

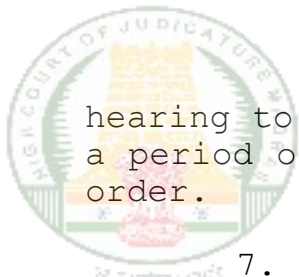
2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher on 01.08.1997, whereas the fifth respondent was appointed as Secondary Grade Teacher on 04.08.1997 and the fifth respondent's seniority was maintained below the petitioner. All of a sudden, by way of impugned order, the fifth respondent's seniority was placed above the petitioner. Challenging the same, the present writ petition is filed.

3. For the similar issue, on the earlier occasion, the petitioner and one Sumathi filed a writ petition in W.P.(MD)No.8056 of 2009, challenging the seniority of the fifth respondent which was fixed above the petitioners and this Court, by order date, 17.01.2014, issued a direction to the petitioners to file an appeal as against the impugned order, dated 28.04.2009. In compliance to the said order, the petitioner filed an appeal before the first respondent on 07.02.2014, however, till date, no order was passed.

4. Though a larger relief sought for in the writ petition, the learned Counsel appearing for the petitioner would submit that it would suffice, if a direction is given to the first respondent to dispose of the appeal filed by the petitioner, after considering the objections raised in fixing the seniority of the fifth respondent over and above the petitioner, within a reasonable time as fixed by this Court.

5. Learned Counsel appearing for the fifth respondent would also submit that the first respondent may pass orders in the appeal, after hearing the fifth respondent.

6. Considering the limited scope of the prayer, as now sought for by the learned Counsel appearing for the petitioner, without going into the merits of the case, the first respondent is directed to dispose of the appeal filed by the petitioner on 07.02.2014, on



hearing to the petitioner as well as to the fifth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Elementary Education,
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Thoothukudi District.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-4602[F] dated 11/02/2021)
+1 CC to SPL GP (SR-4686[F] dated 12/02/2021)

W.P(MD)No.8566 of 2012

10.02.2021

VB (23.02.2021) 3P 7C

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