



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8320 of 2021

M.Venkatachalam

... Petitioner

vs.

1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of Elementary Education,
DPI Campus,
Nungambakkam,
Chennai - 600 006.

3.The Chief Educational Officer,
Pudukottai District,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, School Education Department, Chennai to pass appropriate orders on the petitioner's representation, dated 29.01.2021 by fixing the petitioner's seniority in the cadre of Block Educational Officer in the year 2012-2013 as per the approved list vide S.No.103 on par with the petitioner's junior Thiru.M.Sekar vide S.No.104 within a specified time frame fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the first respondent to pass appropriate orders on the petitioner's representation, dated 29.01.2021 by fixing the petitioner's seniority in the cadre of Block Educational Officer in the year 2012-2013, on par with the petitioner's junior M.Sekar.

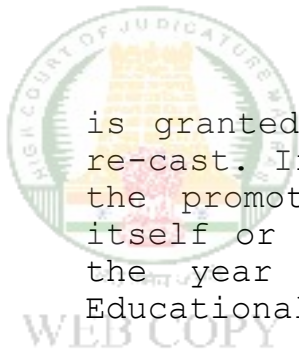


2.Mr.N.Shanmugaselvam, learned Additional Government Pleader accepts notice on behalf of the respondents.

3.According to the petitioner, he is presently serving as Block Development Officer, which is previously known as Assistant Elementary Educational Officer, Kandarovakottai Union, Pudukottai District. His name was included in the approved list in the year 2012-13 for the promotion to the post of Assistant Elementary Educational Officer. Instead of promoting him as Assistant Elementary Educational Officer in the year 2013, the respondents have promoted his immediate junior one M.Sekar in the year 2013 and the petitioner was not given any promotion as Assistant Elementary Educational Officer. Hence, the petitioner sent a representation on 02.07.2013 to the first respondent, seeking to fix his seniority. Since no action has been taken, the petitioner again sent a representation on 29.01.2021 to the respondents. So far no order is forthcoming, the petitioner has come out with the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5.From the perusal of the materials available on record, it is seen that the petitioner is seeking a seniority in the cadre of Block Development Officer, which was previously known as Assistant Elementary Educational Officer, on par with his immediate junior M.Sekar in the year 2012-13. According to the petitioner, his name was included in the approved list in the year 2012-13 for the promotion to the post of Assistant Elementary Educational Officer. Instead of promoting him as Assistant Elementary Educational Officer in the year 2013, the respondents have promoted his immediate junior one M.Sekar in the year 2013 and the petitioner was not given any promotion as Assistant Elementary Educational Officer. The petitioner gave a representation on 02.07.2013 to the first respondent. No order was passed in the representation and the petitioner also did not follow it up. Subsequently, he was promoted as Assistant Elementary Educational Officer on 04.08.2016, which is now known as Block Educational Officer and continuously working as Assistant Elementary Educational Officer. When he was promoted as Assistant Elementary Educational Officer in the year 2016, he has not taken steps for fixing seniority above his immediate junior M.Sekar, but, after five years, he gave a representation on 29.01.2021 to the first respondent for fixing the seniority in the cadre of Block Educational Officer (Assistant Elementary Educational Officer) in the year 2012-13. The petitioner has accepted his promotion in the year 2016. The petitioner has not challenged the promotion in the year 2013 and only on 29.01.2021, he has sent a representation to the first respondent for fixing the seniority in the cadre of Block Development Officer in the year 2012-13 and has come out with the present Writ Petition. If the petitioner's request



is granted, entire seniority list from the year 2012-13 has to be re-cast. If the petitioner is aggrieved, he ought to have challenged the promotion of his immediate junior M.Sekar in the year 2013 itself or atleast he should have asked for fixing his seniority in the year 2016, when he was promoted as Assistant Elementary Educational Officer.

6.For the above stated reasons, the petitioner is not entitled to the relief sought for in the Writ Petition and accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (A.E.)

// True Copy //

Sub Assistant Registrar(CS)

ps

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 Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Campus, Nungambakkam, Chennai - 600 006.
- 3.The Chief Educational Officer,
Pudukottai District, Pudukottai.

1CC TO MR. S.VISVALINGAM, ADVOCATE SR 17231
1CC TO THE SPL GOVT PLEADER SR 17347

GS

05/05/2021 / 3P/ 6C

W.P (MD) No.8320 of 2021
22.04.2021