



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.16596 of 2019

and W.M.P. (MD).Nos.13232 & 13234 of 2019

A.Maheswari

... Petitioner

Vs.

- 1.State of Tamil Nadu,
rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.
- 2.The Director of Elementary Education,
O/o. The Director of Elementary Education,
DPI Campus, Chennai - 6.
- 3.The Joint Director of Elementary Education,
O/o. The Joint Director of Elementary Education,
DPI Campus, Chennai - 6.
- 4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai, Madurai District.
- 5.The District Educational Officer,
O/o. The District Educational Officer,
Melur, Madurai District.
- 6.The Block Educational Officer,
O/o. The Block Educational Officer,
Madurai West Union,
Madurai District.
- 7.Mr.K.Ochukkalai

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the Impugned order in Na.Ka.No.6582/A3/2018, dated 20.09.2018, on the file of the Respondent No.5 insofar as reverting the petitioner from the post of B.T. Assistant at Panchayat Union Middle School, Madurai West, Madurai District, to the post of Secondary Grade Teacher at Panchayat Union Primary School, Sellanagoundanpatti, Madurai West Union, Madurai District, is concerned and the impugned order in O.Mu.No.5302/A3/2019, dated 08.07.2019 on the file of the Respondent No.5 and the consequential Impugned order in Na.Ka.No.5853/A1/2019, dated 10.07.2019, on the file of the Respondent No.4 and quash the same as illegal.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.N.Shanmugaselvam for R1 to R6
Additional Government Pleader

O R D E R

WEB COPY

Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader for the respondents 1 to 6.

2.The petitioner is aggrieved against the impugned order, dated 20.09.2018, whereby, she was reversed to the post of Secondary Grade Teacher, as well as the promotion order issued to one Graduate Teacher, namely K.Ochukalai, through the order, dated 10.07.2019.

3.Though the petitioner has raised several grounds, challenging these impugned orders, the learned counsel for the petitioner would submit that the petitioner is ready to give up his grounds as well as the claim challenging the orders dated 20.09.2018 and 10.07.2019. The learned counsel would further submit that he would be satisfied, if the respondents herein consider the petitioner's candidature for the purpose of re-promoting to the post of B.T.Assistant as and when the vacancy arises. The impugned proceedings of the District Educational Officer, dated 08.07.2019, also states that the petitioner's request for such re-promotion to the post of B.T. Assistant was not feasible for consideration, since there was no vacancy and that during the counselling for General transfer 2019-2020, her candidature would be considered.

4.In the light of the proceedings, dated 08.07.2019 and Rule 8 (b) of Tamil Nadu State Subordinate Service Rules, the petitioner is granted liberty to make a representation and on receipt of such representation, the fifth respondent herein shall consider the same and pass appropriate orders, within a period of 8 weeks thereafter.

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

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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, Department of School Education,
Fort St. George, Chennai - 9.
 - 2.The Director of Elementary Education, DPI Campus, Chennai - 6.
 - 3.The Joint Director of Elementary Education, DPI Campus,
Chennai - 6.
 - 4.The Chief Educational Officer, Madurai, Madurai District.
 - 5.The District Educational Officer, Melur, Madurai District.
 - 6.The Block Educational Officer, Madurai West Union, Madurai
District.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9086[F] dated 05/03/2021)

W.P. (MD) No.16596 of 2019
04.03.2021

TP (CO)
KB(22.03.2021) 3P 8C