



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19254 of 2016

WEB COPY

P.Anbalagan

... Petitioner

Vs.

The Joint Director of School Education (Personnel),
Chennai -6.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to promote the petitioner as regular superintendent from the date on which his immediate junior was given promotion with attendant benefits, by considering the petitioner's representation, dated 28.12.2015.

For Petitioner	: Mr.V.Panneer Selvam
For Respondent	: Mr.C.M.Marichelliah Prabhu
	Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondent to promote the petitioner as regular superintendent from the date on which his immediate junior was given promotion with attendant benefits, by considering the petitioner's representation, dated 28.12.2015.

2. The case of the petitioner is that he was appointed as Typist and posted at Kalaiyarkoil Rural Functional Literacy Project in the year 1987. Thereafter, after various transfers, he was promoted as upgraded Superintendent in the year 2008 and transferred to Chief Educational Officer Office at Tirunelveli in the year 2010. While he was working as Superintendent, a charge memo was issued against the petitioner on 31.03.2008, for the alleged occurrence of the year 2002. Thereafter, an Enquiry Officer was appointed and after conducting enquiry, he filed a report on 15.11.2010 and after accepting the report, the Director of Elementary Education excluded the petitioner from the charges, on 16.05.2011. Hence, the petitioner has made a representation to the respondent for promotion to the post of regular Superintendent. In the mean while, the petitioner's juniors were promoted. However, the petitioner's representation was not considered. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.



3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent to dispose of the representation of the petitioner, dated 28.12.2015, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondent has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondent to consider the petitioner's representation, dated 28.12.2015 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// 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.

akv

To

The Joint Director of School Education (Personnel),
Chennai -6.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-7652[F] dated 26/02/2021)

+1 CC to M/s.SPL GP (SR-7887[F] dated 01/03/2021)

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GS (27.04.2021) 2P 4C