



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.13556 of 2017

P.Chandramohan

... Petitioner

Vs.

1.The Government of Tamil Nadu
represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Secretariat,
Chennai 600 009.

2.The Joint Director of School Education
(Higher Secondary Education),
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai 600 006.

3.The Chief Educational Officer,
Trichy.

4.The District Educational Officer,
Musiri,
Trichy District.

5.Sengunthar Higher Secondary School,
represented by its Secretary,
Thuraiyur,
Trichy District.

6.The District Educational Officer,
Lalgudi,
Trichy District.

R6 impleaded as per the order of this Court
in W.M.P(MD).No.16639 of 2019, dated 15.03.2021.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 5th respondent to resubmit the proposal promoting the petitioner as P.G.Assistant (History) from 12.11.2012 and direct the fourth respondent to approve the same and disburse attendant monetary and terminal benefits, within a time frame fixed by this Court.



For Petitioner : Mr.M.Saravanan
For R1 to R4 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R5 : Mr.N.Mohan.

WEB COPY

ORDER

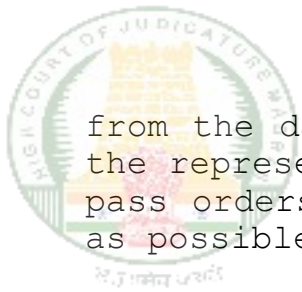
This writ petition has been filed for a direction to the 5th respondent to resubmit the proposal, promoting the petitioner as P.G.Assistant (History) from 12.11.2012 and direct the fourth respondent to approve the same and disburse attendant monetary and terminal benefits to the petitioner.

2. The case of the petitioner is that the fifth respondent is an Aided Non Minority School and governed by the Tamil Nadu Private Schools Regulation Act. The petitioner was appointed as B.T. Assistant in the fifth respondent School in a regular vacancy and his appointment was approved by the educational authorities. The School Committee promoted the petitioner as P.G.Assistant, by the resolution dated 12.11.2012 and sent the proposal for approval to the fourth respondent. But the fourth respondent has returned the proposal, by letter dated 20.02.2013. Thereafter, the fifth respondent has resubmitted the proposal, by enclosing the copy of the joining report and the copy of the resolution, dated 12.11.2012. Since no action was taken by the fourth respondent, the petitioner has sent a representation to the second respondent. In the mean while, the term of the School Committee was expired on 30.04.2013. Thereafter, on 01.12.2015, a new School Committee was elected and approved by the authorities. In the mean while, on 31.05.2016, the petitioner was retired from service as P.G.Assistant, on attaining the age of superannuation. However, his promotion was not approved and the terminal benefits were paid in the B.T.Assistant scale. Therefore, the petitioner has made a representation to the fifth respondent on 05.07.2017. But till date, the same was not considered. Hence, 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 permit the petitioner to make a representation to the sixth respondent and direct the sixth respondent to consider the petitioner's representation, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 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 permits the petitioner to make a representation to the sixth respondent within a period of two weeks



from the date of receipt of a copy of this order and on receipt of the representation, the sixth respondent shall consider the same and pass orders, on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Secretariat,
Chennai 600 009.
- 2.The Joint Director of School Education
(Higher Secondary Education),
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai 600 006.
- 3.The Chief Educational Officer,
Trichy.
- 4.The District Educational Officer,
Musiri,
Trichy District.
- 5.Sengunthar Higher Secondary School,
represented by is Secretary,
Thuraiyur,
Trichy District.



6.The District Educational Officer,
Lalgudi,
Trichy District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-11295[F] dated
16/03/2021)

+1 CC to M/s.SPL GP (SR-11536[F] dated 16/03/2021)

Writ Petition (MD)No.13556 of 2017

15.03.2021

RK(27.05.2021) 4P 9C