



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.6.2022

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.1188 OF 2022

AND

W.M.P.NO.1263 & 1265 OF 2022

1.B.Ilangeswaran

...Petitioner

Vs.

1.The Commissioner

Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Joint Director of School Education

(Higher Secondary), Directorate of
School Education, DPI Campus,
College Road, Chennai-600 006.

3.The Chief Educational Officer,

Tirupattur District,
Tirupattur.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the Respondents to include the name of the Petitioner in 2022 panel for promotion to the post of Higher Secondary School Headmaster by considering the period of punishment of stoppage of increment for one year getting over on 23.10.2021 as per the statutory provisions and to promote the Petitioner to the post of Higher Secondary School Headmaster with all consequential and other attendant service benefits by considering the representation submitted by the petitioner dated 12.01.2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.Chezhian, A.G.P.

O R D E R

According to the petitioner, the petitioner was issued with charge memo by the second respondent vide proceedings dated



20.6.2014 on the premises that he has not given intimation to Headmaster for 10 days from 14.3.2014 and further he was arrested based on the criminal case filed against him, duly replied by the petitioner that he was arrested in a false case and he was not in a position to forward a personal communication to the department and his wife, informed the Headmaster of the School over phone within two days. However, the third respondent passed the orders imposing punishment of 'Censure' vide order dated 8.2.2019, against which the petitioner filed appeal before the second respondent. The second respondent issued orders dated 7.11.2019 rejecting the appeal by stating that a power of attorney was executed in favour of the petitioner on 20.7.2010 for sale of land and it was subsequently cancelled on 24.11.2011. The petitioner being a Government servant should not purchase any immovable property without intimation to the department. The third respondent issued another charge memo on 7.3.2020 on the same count and after submitting explanation, the third respondent passed orders dated 24.10.2020 imposing punishment of stoppage of increment for a period of one year without cumulative effect for the second time on the same set of charges. Again, the petitioner filed appeal and the second respondent rejected the appeal on the ground of delay. The second respondent has prepared a panel for promotion to the post of Higher Secondary School Headmaster as on 1.1.2022, the petitioner's name was not included due to currency of punishment as on 1.1.2022. Therefore, the petitioner has preferred the present writ petition for the aforesaid prayer.

2. The learned Additional Government Pleader appearing for the respondents produced proceedings of the second respondent in Na.Ka.No. 48657/W2/E3/2021 dated 19.5.2022, imposing punishment of stoppage of increment for one year and therefore, due to currency of punishment, the petitioner's name was not included in the panel of the year 2021-22. He further submitted that there is no legal impediments to include the petitioner's name in the Supplementary panel for promotion to the post of Headmaster for the academic year 2022-23. However, the petitioner cannot insist upon for inclusion of his name in the previous panel drawn for the year 2021-22.

3. The learned counsel appearing for the petitioner also agreed that the petitioner's name will be considered for inclusion in the Supplementary panel for promotion to the post of Headmaster for the academic year 2022-23.

4. To that extent, this Court is inclined to direct the respondents to consider the petitioner's name and include in the Supplementary panel for promotion to the post of Headmaster for the academic year 2022-23, if he is otherwise eligible.



5. Accordingly, the writ petition stands disposed of with the above directions. No Costs. Connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Commissioner,
Directorate of School Education,
DPI Campus, College Road, Chennai-600 006.
- 2.The Joint Director of School Education (Higher Secondary),
Directorate of School Education, DPI Campus,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Tirupattur District,
Tirupattur.

+1cc to Mr.G.Sankaran, Advocate, Sr.No.35968

+1cc to the Government Pleader, Sr.No.36196

W.P.No.1188 of 2022
and W.M.P.No.1263 & 1265 of 2022

GPL (CO)
RVM(28/06/2022)