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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.1512 of 2022
and W.M.P.Nos.1654, 1655 & 1657 of 2022

A.Ajunan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to the Education Department,
St.George Fort, Chennai-600 009.
2. The Commissioner of School Education,
College Road, Egmore, Chennai-600 006.
3. The Director,
Elementary School Education,
College Road, Egmore, Chennai-600 006.
4. The Chief Educational Officer (C.E.O.,)
Chenglepet, Chenglepet-"Dist".
5. The District Educational Officer (D.E.O.,)
Madurantakam, Chenglepet-"Dist".
6. The Block Educational Officer (B.E.O-II),
Lathur Block, Cheyyur-Taluk,
Chenglepet-"District".

... Respondents

PRAYER:

This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Certiorarified Mandamus, to call for the concerned record in his Proceedings Na.Ka.No.756/D1/2021 dated 05.02.2021 passed by the 3rd respondent herein and to "Quash" the same.

For Petitioners : Mr.M.Arumugam

For Respondents : Mr.V.Manoharan
Additional Government Pleader



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O R D E R

This Writ Petition has been filed to call for the concerned record in his Proceedings Na.Ka.No.756/D1/2021 dated 05.02.2021 passed by the 3rd respondent herein and to quash the same.

2. Brief facts of the case:

On 08.01.1999, the petitioner had joined in the service as a Secondary Grade Teacher in Panchayat Union, Thenpattinam. Subsequently, on 16.09.2004, he was promoted as a Primary School Head Master in Kizhaarkollai, Lathur Block, Cheyyur Taluk, Chenglepet District and he has completed B.Ed., Course on 31.12.2020 and the same has also been entered in the S.R.Book on 05.01.2021, but the petitioner name has not been included in the final list of the panel for promotion to the Head Master of Middle School. The sixth respondent, who is preparing the panel list of eligible candidates for promotion and in turn sent it to the fifth respondent and after due verification by the fifth respondent, it has been sent to the fourth respondent for their perusal and sanction and they have forwarded the same to the third respondent for getting approval. Further, the Commissioner of School Education, Chennai, is getting list of eligible candidates/Teachers from various district well before 10 days of preparation of final list of candidates, who are eligible for promotion but this procedure is not followed by the third respondent. However, the third respondent has issued impugned proceeding in Na.Ka.No.756/D1/2021 dated 05.02.2021, wherein, the petitioner's name was not included. Hence, the writ petition.

3. The learned counsel for the petitioner submitted that the last date for submitting application for the promotion to the post of Head Master of Middle School falls on 31.12.2020 and the petitioner has passed B.Ed course and having the provisional certificate bearing Sl.No.MRK 837281, dated 31.12.2020 issued by the Madurai Kamaraj University, and the same has been entered into S.R.Book on 05.01.2021 by the sixth respondent. Even though, the name of the petitioner has not been included in the final list of panel promotion to the Head Master of Middle School. Further, he would submit that the third respondent and sixth respondent have not followed the rules for the promotion and preparation for final panel list as per the Commissioner of the School Education, Chennai. Further, he would submit that the Commissioner of School Education and the Directorate of Elementary School Education was merged together in the year 2019 itself and therefore, there cannot be two norms and proceedings to be followed for preparation of final panel list of candidates for the next higher ranks. Hence, he seeks to quash the impugned proceedings of the third respondent.



4.The learned Additional Government Pleader appearing for the respondents would submit that the counseling for the promotion to the post of Head Master of Middle School has already been over.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Considering the aforesaid fact that the counseling for the promotion to the post of Head Master of Middle School, has already been over, this Court is inclined to give a direction to the petitioner to make a representation to the fifth respondent by producing all the relevant documents within a period of two weeks from the date of receipt of a copy of this order. On such representation by the petitioner and receipt of relevant documents, the authority concerned shall consider the same and shall pass appropriate orders within a period of eight weeks from thereof. Further, the petitioner's name shall be considered in the next promotion panel for the post of Head Master of Middle School if he is otherwise eligible.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Secretary to the Education Department,
Government of Tamil Nadu,
St.George Fort, Chennai-600 009.
2. The Commissioner of School Education,
College Road, Egmore, Chennai-600 006.
3. The Director,
Elementary School Education,
College Road, Egmore, Chennai-600 006.
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6. The Block Educational Officer (B.E.O-II),
Lathur Block, Cheyyur-Taluk,
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W.P.No.1512 of 2022

GPL (CO)
CT 07/04/2022