



WEB COPY

\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.2738 of 2022

and

W.M.P No. 2899, 2900 of 2022

P.Sivakumar,  
S/o Pandurangan

... Petitioner

Vs.

1. The Director of Elementary School Education,  
DPI Campus, Chennai 600 006.
2. The Chief Educational Officer, Kallakurichi.
3. The Chief Educational Officer, Villupuram.
4. The District Educational Officer,  
Thirukoilur Educational District,  
Kallakurichi District.
5. The Block Educational Officer,  
Thirukoilur Block, Kallakurichi.
6. The Block Educational Officer,  
Mugaiyur @ Mananpoondi Block,  
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the objection of the petitioner for the panel preparation as on 01.01.2021 to the post of Elementary School Headmaster in Thirukoilur Block by taking into consideration the fact that transferred teachers should not be included in the panel dated 01.01.021 to Thirukoilur Block having been transferred to the block, after the crucial date i.e. 1.1.2021 and pass orders.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.V.Nanmaran, Addl.Govt. Pleader



## ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the objection of the petitioner for the panel preparation as on 01.01.2021 to the post of Elementary School Headmaster in Thirukoilur Block by taking into consideration the fact that transferred teachers should not be included in the panel dated 01.01.2021 to Thirukoilur Block having been transferred to the block, after the crucial date i.e. 1.1.2021 and pass orders.

### 2. The case of the petitioner in brief:

The petitioner is a Secondary Grade teacher with effect from 04.08.1997 to Thirukoilur Block and his next promotion is Elementary School Headmaster. In the panel for promotion to the post of Elementary School Headmaster for Thirukoilur Block as on 1.1.2021, his name was shown in Sl.No.3. Thereafter, the 5th respondent published fresh panel for promotion to the post of Elementary School Headmaster for Thirukoilur Block dated 29.01.2022, wherein, the petitioner has been shown in serial No.6. Vide proceedings dated 08.01.2022 of the CEO, 8 schools, which were originally in Mugaiyur Block of Villupuram District, were transferred to Thirukoilur Block. But, as on crucial date of panel on 01.01.2021, the said schools were only part of Mugaiyur block and not Thirukoilur Block and by virtue of bifurcation of the schools, the petitioner's promotion has been deprived. Further, the Director has given clarification vide letter dated 29.12.2021 that the teacher on transfer will be entitled to seniority with respect to the date of joining in their parent block, which is not applicable to the present case and also not sustained in view of G.O.Ms.No.176 dated 17.12.2021. The respondents have not considered the objection of the petitioner and go ahead with the promotion counselling. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the counselling for promotion is scheduled to be held on 14.02.2022 and if the petitioner's objection is not considered by the respondents, he will be put to irreparable loss.

4. The learned Additional Government Pleader, appearing for the respondents submitted that, the petitioner's objection will be considered and pass orders by the second respondent.

5. In view of the above submissions and also taking into account the urgency of the matter, it is ordered as follows.

i] The second respondent is directed to consider the representation of the petitioner dated 29.01.2022, and pass orders on its own merits, in accordance with law, on or before



12.02.2022, after giving opportunities to the parties concerned.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Mst

To

1. The Director of Elementary School Education,  
DPI Campus, Chennai 600 006.
2. The Chief Educational Officer, Kallakurichi.
3. The Chief Educational Officer, Villupuram.
4. The District Educational Officer,  
Thirukoilur Educational District,  
Kallakurichi District.
5. The Block Educational Officer,  
Thirukoilur Block, Kallakurichi.
6. The Block Educational Officer,  
Mugaiyur @ Mananpoondi Block,  
Villupuram.

+1cc to Ms.Dakshayani Reddy, Advocate, S.R.No.8963  
+1cc to Government Pleader S.R.No.9562 (11/03/2022)

W.P.No.2738 of 2022 and  
W.M.P No. 2899, 2900 of 2022

BP(CO)  
CT 11/02/2022