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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.3221 of 2022 and
WMP No.3361 of 2022

C.Mohan

...Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The District Educational Officer,
Polur Educational District,
Thiruvannamalai District.

4.The Block Educational Officer,
Kalasapakkam Block,
Thiruvannamalai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders granting promotion to the petitioner to the post of Primary School Headmater, based on 2018/2019 panel in consideration of dropping of departmental charges dated 15.07.2020 in accordance with Section 7 read with chedule-XI Part-A of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, in consideration of representation submitted by the petitioner dated 17.08.2020 and 20.01.2022, with all consequential and other attendant benefits, within a time frame to be fixed by this court.

For Petitioner : Mr.G.Sankaran

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



ORDER

This writ petition has been filed seeking to issue Writ of Mandamus, directing the respondents to grant promotion to the petitioner to the post of Primary School Headmaster, based on 2018/2019 panel in consideration of dropping of departmental charges dated 15.07.2020 in accordance with Section 7 read with chedule-XI Part-A of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, in consideration of representation submitted by the petitioner dated 17.08.2020 and 20.01.2022, with all consequential and other attendant benefits, within a time frame to be fixed by this court.

2. The case of the petitioner in brief:

The petitioner is a Secondary Grade Teacher in Kalasapakkam Block, Thiruvannamalai District and his next promotion post is Primary School Headmaster. His name was included in the panel for promotion for the year 2015 and due to his family circumstances, he relinquished his promotion for a period of three years. Thereafter, a charge memo was issued against the petitioner, in view of a complaint in Crime No.1578 of 2018 against him. The petitioner filed Crl.O.P.No.19600 of 2019 before this court to quash the above complaint and vide order of the court dated 24.07.2019, the complaint was quashed and consequently, dropping the charges was issued by Block Educational Officer, Kalasapakkam on 15.07.2020. Therefore, the petitioner was exonerated from the criminal charges as well as charge memo issued by the Department on 24.07.2019 and 15.07.2020 and he is eligible to get his name in the promotion panel for the year 2018 and 2019, as per Section 7 read with chedule-XI Part-A of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Now the respondents are taking steps to issue order of promotion in favour of his juniors. Since the petitioner is senior most eligible person to be included in 2019 panel, this writ petition is filed.

3. The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner will be considered by the Educational Officer, in accordance with law and appropriate orders will be passed.

4. In view of the above submissions and also considering the facts and circumstances of the case, without expressing any opinion on merits, this court is inclined to pass orders.

5. Accordingly, it is ordered as follows.

i) The third respondent is directed to consider the representation of the petitioner dated 21.01.2022 and pass orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



ii) The petitioner shall produce the copy of the said representation along with the copy of this order before the third respondent, within two weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mst

To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The District Educational Officer,
Polur Educational District,
Thiruvannamalai District.

4.The Block Educational Officer,
Kalasapakkam Block,
Thiruvannamalai District.

+lcc to Mr.G.Sankaran, Advocate SR. No.10454

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SPD (CO)
PR (22/02/2022)