



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 31.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.20695 of 2018  
and  
W.M.P.No.24321 of 2018

B.Amirthalingam

... Petitioner

Vs

1. The Secretary to the Government,  
School Education Department,  
Fort St. George, Chennai - 9.
2. The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai - 6.
3. The District Educational Officer,  
Nagapattinam,  
Nagapattinam District.
4. The Block Educational Officer,  
Thalaignayiru,  
Thalaignayiru Union,  
Vedaranyan Taluk,  
Nagapattinam District.

5. S.Sudha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned promotion order passed by the 3<sup>rd</sup> respondent in Na.Ka.No.3276/A3/2018 dated 13.06.2018 and quash the same and consequently direct the respondents to promote the petitioner as a BT Assistant (Science) in Thalaignayiru Union, Vedaranyam Taluk, Nagapattinam District.

For Petitioner : Ms.S.Conscious Mary  
for Mr.V.Kasinatha Bharathi

For R1 to R4 : Ms.P.Rajarajeswari,  
Government Advocate



ORDER

The learned counsel for the petitioner submitted that since the fifth respondent herein had earlier relinquished her rights for promotion to the post of Elementary School Headmaster, the petitioner would be entitled to be promoted as a B.T. Assistant (Science) in Thalaignayiru Union, Vedaranyam Taluk, Nagapattinam District. The learned counsel further submitted that the respondents have not considered the Government Letter No.3741/B3/93-2 P&AR, dated 14.06.1993, which states that the Teachers, who have relinquished their rights, cannot be considered for upgradation and therefore, if the concerned respondent is called upon to reconsider his request for promotion, without affecting the rights of the fifth respondent herein, he would be satisfied.

2. The learned Government Advocate appearing on behalf of the respondents 1 to 4 would submit that the applicability of the Government Letter, referred to by the learned counsel for the petitioner, could be left open for such reconsideration.

3. In the light of the submissions made, the impugned order passed by the third respondent herein dated 13.06.2018 does not require any interference. Further, the petitioner is granted liberty to make a fresh representation to the third respondent seeking for reconsideration of his request for promotion and on receipt of the same, the third respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation.

4. The Writ Petition stands ordered, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary to the Government,  
School Education Department,  
Fort St. George, Chennai - 9.



2. The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai - 6.

3. The District Educational Officer,  
Nagapattinam,  
Nagapattinam District.

4. The Block Educational Officer,  
Thalaignayiru,  
Thalaignayiru Union,  
Vedaranyan Taluk,  
Nagapattinam District.

+1cc to Mr.Ln.V.Kasinatha Bharathi, Advocate, S.R.No.6097

+1cc to the Government Pleader, S.R.No.6422

W.P.No.20695 of 2018  
and  
W.M.P.No.24321 of 2018

MT (CO)  
SU (17/02/2022)