



W.P.No.13999 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13999 of 2018
and W.M.P.No.16529 of 2018

V.Maghendiran

...Petitioner

Vs.

- 1.The Director,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai – 600 006.
- 2.District Elementary Education Officer/Mattur Block,
District Elementary Education Office,
Krishnagiri.
- 3.Additional Assistant Elementary Education Officer,
/Block Education Officer,
Additional Assistant Elementary Education Office,
Uthangarai Union,
Krishnagiri District – 635 207.
- 4.S.Arumugam
- 5.K.Savithri



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6.A.Anitha

7.P.Vanitha

8.C.Leelakrishnan

9.V.Nirmala

10.S.Uma

11.S.Vadivel

12.R.Vishalatchi

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records of the 3rd respondent in his promotional listed dated 1.1.2017, and subsequent promotional list dated 1.1.2018, signed on 23.4.2018 and quash the same and subsequently direct the 1 to 3rd respondents give the first place to petitioner in promotional list.

For Petitioner : M/s.T.S.Baskaran

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R3

No Appearance for R4 to R12



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ORDER

The promotion list issued by the 3rd respondent on 01.01.2017 and 01.01.2018 are under challenge in the present writ petition. A further direction is sought for to direct the respondents to give first place to the petitioner in the promotion list.

2.The petitioner was appointed as Secondary Grade Teacher in the Panchayat Union Primary School, Keelkuppam, Uthangarai Union, Krishnagiri District on 17.12.2012. The petitioner was transferred to the Panchayat Union Middle School, Kotarapatti, Uthangarai Union, Krishnagiri District on 16.08.2016.

3.The grievance of the writ petitioner is that his seniority was not fixed based on the date of appointment for promotion to the post of B.T. Assistant (Mathematics). The petitioner possessed the requisite qualification for promotion to the post of B.T. Assistant (Mathematics) at the time of his



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initial appointment itself. Therefore, he claimed that the promotion list was erroneously prepared without considering his name for inclusion.

4.In this regard, the learned Special Government Pleader appearing on behalf of the respondents relying on the counter affidavit filed by the respondents has stated that since the respondents 4 to 9 are seniors to the petitioner, based on their date of regularization and they have qualified themselves for promotion before preparing the seniority list for the year 2018, the name of the petitioner was placed in S.No.10 in the seniority list prepared by the 3rd respondent for the year 2018.

5.The claim of the writ petitioner was that he possessed the requisite qualification at the time of his appointment as Secondary Grade Teacher. However, the other senior persons possessed the requisite qualification subsequently, but before preparation of panel and therefore, the authorities have included the name of the seniors above the petitioner. The eligibility is to be determined with reference to the crucial date for preparation of panel



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and not from the date of acquiring the requisite qualification. The respondents 4 to 9 who all are seniors to the writ petitioner possessed the requisite qualification before the crucial date for preparation of the panel and thus, there is no infirmity as such in respect of the panel published by the respondents. The case of the writ petitioner is to be considered in accordance with the seniority and at the time of preparation of panel.

6. With this observation, this writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Director,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai – 600 006.



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S.M.SUBRAMANIAM, J.

SSR

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