



WEB COPY

W.P.No.27729 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.27729 of 2022

K.Muthukumar

... Petitioner

VS.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2.The Deputy Commissioner (Education),
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

3.The Education Officer,
Education Department,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to consider the petition for promotion to the post of Physical Director Gr.I in the existing vacancy in operation of panel drawn by the second respondent in Proceedings in



Ka.Thu.Na.Ka.No.E4/362/2020 dated 03.02.2020 with all consequential benefits, based on the representation submitted by the petitioner dated 26.09.2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gopinathan,
Standing Counsel

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner for promotion to the post of Physical Director Grade-I in the existing vacancy in operation of panel drawn by the second respondent by his proceedings dated 03.02.2020, based on the petitioner's representation dated 26.09.2022 within a time frame to be fixed by this Court.

2. Mr.S.Gopinathan, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. According to the petitioner, even though the promotion panel drawn by the second respondent dated 03.02.2020 under which the petitioner was



proposed to be promoted, the said panel has not been implemented till date, in view of the pendency of a writ petition in W.P.No.5259 of 2020 filed by one S.Akila whose name is also found in the aforementioned promotion panel in Sl.No.6. According to the petitioner, no stay order has been passed by this Court in the said writ petition and therefore, there is no bar for the second respondent to implement the promotion panel drawn on 03.02.2020. The petitioner has given a representation on 26.09.2022 seeking for implementation of the promotion panel drawn by the second respondent in his proceedings dated 03.02.2020. Since the representation has not been considered till date, he has filed this writ petition.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.S.Gopinathan, learned Standing Counsel appearing for the respondents.

5. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as to Akila who is the petitioner in W.P.No.5259 of 2020, within a time frame to be fixed by this Court.



6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 26.09.2022 seeking for his promotion to the post of Physical Director, Grade-I in the existing vacancy as per the panel drawn by the second respondent by his proceedings dated 03.02.2020, on merits and in accordance with law, after affording a fair hearing to the petitioner as well as to Akila, the petitioner in W.P.No.5259 of 2020, within a period of twelve weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

18.10.2022

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Index:Yes/No

Speaking/Non-speaking orders



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ABDUL QUDDHOSE, J.
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