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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.28233 of 2022
and
W.M.P. Nos.27530 and 27532 of 2022

K.Samson Elangovan ... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat,
Fort. St. George,
Chennai – 600 009.

2. The Commissioner,
Directorate of School Education,
DPI Campus,
College Road,
Chennai – 600 006.

3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus,
College Road,
Chennai – 600 006.

4. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

5. S. Malarkodi ... Respondents

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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 proceedings issued by the 4th respondent in Na.Ka.No.9494/A1/2022, dated 10.10.2022 and to quash the same and consequently direct the respondents to pass orders posting the petitioner in the administrative post, as Personal Assistant to Chief Educational Officer, Thiruvallur District in the vacancy arose with effect from 01.10.2022, in accordance with the directions issued by the 3rd respondent in Na.Ka.No.001695/C1/E1/2022, dated 06.01.2022 forthwith.

For petitioner : Mr.G. Sankaran

For respondents : Mr.C. Sathish,
Government Advocate for R1 to R4

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.C. Sathish, learned Government Advocate accepts notice for the respondents 1 to 4.

3. This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated 10.10.2022 under which the 5th respondent has been posted with full additional charge as P.A. to the Chief Educational Officer(C.E.O). According to the petitioner, a specific order was passed on 06.01.2022 by the 3rd respondent under which it was made clear that the post of P.A. to C.E.O. has to be filled up by the senior

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most eligible person working in the feeder post of High School Head Master.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.C. Sathish, learned Government Advocate for the respondents 1 to 4. Since no adverse orders are passed against the 5th respondent, notice to 5th respondent is dispensed with by this Court.

5. According to the petitioner, he has submitted a representation on 10.10.2022 objecting to the appointment of the 5th respondent as P.A. to C.E.O as according to him, it is in violation of 3rd respondent's order dated 06.01.2022 referred to supra. Even though the petitioner has challenged the impugned proceedings of the 4th respondent dated 10.10.2022 appointing the 5th respondent as P.A. to C.E.O, the learned counsel for the petitioner now submits on instructions that the petitioner will be satisfied, if his representation dated 10.10.2022 referred to supra is considered on merits and in accordance with law after hearing both the parties viz., the petitioner as well as the 5th respondent.

6. No prejudice would be caused, if such a direction is given by this Court.

7. For the foregoing reasons, this Court directs the 3rd respondent to pass final orders on the petitioner's representation dated 10.10.2022

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questioning the appointment of the 5th respondent as P.A. to C.E.O. on merits and in accordance with law, after affording a fair hearing to the petitioner as well as 5th respondent, within a period of six weeks from the date of receipt of a copy of this order.

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

26.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :
1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat,
Fort. St. George,
Chennai – 600 009.

2. The Commissioner,
Directorate of School Education,
DPI Campus,
College Road,
Chennai – 600 006.

3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus,
College Road,

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Chennai – 600 006.

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ABDUL QUDDHOSE, J.

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4. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

W.P. No.28233 of 2022

26.10.2022

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