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W.P.No.29533 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29533 of 2022

S.Jothi

... Petitioner

vs.

1 Director of school Education
DPI Campus Chennai - 600 006.

2 Chief Educational Officer
Chennai.

3 District Educational Officer
Chennai Central,
Chennai.

4 Rajah Muthiah Higher Secondary High School
Represented by its Secretary,
Srinivasa Avenue
Rajaannamalaipuram Chennai - 600 028.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus , the Respondents to grant approval to the promotion to the petitioner to the post of PG Assistant with effect from 01.02.2018 with all service and monetary benefits within a time frame to be fixed by this Court.



For Petitioner : Mr.Dakshayani Reddy
For Respondents 1 to 3 : Mr.S.Yashwanth,
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to grant approval to the petitioner for promotion to the post of P.G.Assistant in the fourth respondent School with effect from 01.02.2018 with all service and monetary benefits within a time frame to be fixed by this Court.

2. Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with by this Court. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. According to the petitioner, she was appointed as B.T.Assistant in the fourth respondent School and she was promoted to the post of P.G.Assistant with effect from 01.02.2018. However, according to the



petitioner, the official respondents are yet to approve her promotion due to the rival claim made by one R.Vidhya by filing a writ petition challenging the petitioner's promotion. According to the petitioner, the said writ petition also came to be dismissed by this Court. According to the petitioner, as on date, there is no impediment for the official respondents to approve her promotion as P.G.Assistant in the fourth respondent School.

4. The petitioner has given a representation on 23.07.2022 seeking for approval of her promotion as a P.G.Assistant with effect from 01.02.2018. Since the representation has not been considered till date by the official respondents, she has filed this writ petition.

5. Heard Mrs.Dakshayani Reddy, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents 1 to 3.

6. The grievance of the petitioner is that despite having been promoted as P.G.Assistant with effect from 01.02.2018 by the fourth respondent School, her promotion has not been approved by the official respondents, due to a rival claim made by another teacher by name R.Vidhya. Necessarily, all the parties namely the petitioner, R.Vidhya and



the fourth respondent School will have to be heard before passing any final orders by the official respondents.

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7. No prejudice would be caused to any of the parties, if such a direction is issued by this Court.

8. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's representation dated 23.07.2022 seeking for approval of her promotion to the post of P.G.Assistant in the fourth respondent School with effect from 01.02.2018 after affording a fair hearing to the petitioner, the fourth respondent school and R.Vidhya, within a period of twelve weeks from the date of receipt of a copy of this Order.

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

08.11.2022

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Index:Yes/No

Speaking/Non-speaking orders



To

- 1 Director of school Education
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ABDUL QUDDHOSE, J.

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