



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
W.P. (MD)No.13234 of 2017

WEB COPY

K.Murugan ... Petitioner

vs

1. The Joint Director (Aided Schools),
Directorate of Elementary Education,
Chennai - 600 006.
2. The District Elementary Education Officer,
Dindigul.
3. The chief Educational Officer,
Dindigul.
4. The Correspondent,
Ka.Su.Valluvan (aided) Middle Scholl,
Dindigul.
5. Mrs.Kasthuri. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order in Na.Ka.No.025395/G1/2013, dated 21.11.2016 passed by the first respondent and quash the same and consequently direct the first respondents 1 to 4 to disburse the monetary and service benefits in post of Headmaster by re-fixing his seniority as on 01.12.2005.

For Petitioner : Mr.P.Saravana Kumar

For Respondents : Mr.V.Omprakash for R1 to R3
Government Advocate (Civil side)

No appearance for R4

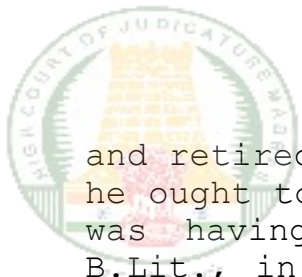
Mr.T.A.Ebenezer for R5

O R D E R

This Writ Petition is filed challenging the impugned order dated 21.11.2016 passed by the first respondent. The petitioner is seeking to disburse the monetary benefits and service benefits.

2. The petitioner was appointed as Secondary Grade Teacher on 25.10.1979, then he was promoted as B.T.Assistant in the year 2009

<https://hcservices.ecourts.gov.in/hcservices/>



and retired on 31.05.2016. The contention of the petitioner is that he ought to have been promoted as Middle School Headmaster, since he was having 14 years experience. The petitioner had completed B.Lit., in the year 2005, M.A., in the year 2007 and B.Ed., in the year 2008. The vacancy arose in the fourth respondent School in the year 2006 and the fourth respondent School had appointed the fifth respondent as Middle School Headmaster. Aggrieved over the same, the present writ petition is filed.

3. The second respondent has filed a counter affidavit stating that the vacancy in the post of Headmaster arose due to the retirement of the incumbent, namely, Tmt.K.Rajammal on 29.02.2004 and from 01.03.2004 onwards the post was vacant. The petitioner has passed B.Lit., in the year May 2005 the fact of his passing the said degree was entered on 20.10.2008. The petitioner has not obtained any prior permission for completing B.Lit. The Fourth respondent School is a non-minority School and the District Elementary Educational Officer visited the School to satisfy the need for promotion based on the School strength and the permission was granted to fill up the post. Thereafter, the fifth respondent was promoted on 13.04.2006. The fifth respondent was having five years teaching experience and she was served as under:

Sl.No	Name of the School	From	To	Net Service Y M D
1.	Landis Matriculation School, Natham, Dindigul District	10.11.1998	30.04.2001	02 05 21
2.	Sst.Mercelin High School, Mangamanuthu, Dindigul District.	04.06.2001	10.04.2006	4 10 07 7 03 28

Therefore, the petitioner is not eligible to claim the Headmaster post. The fifth respondent has not filed any counter affidavit.

4. Heard Mr.P.Saravana Kumar, learned Counsel appearing for the petitioner, Mr.V.Omprakash, learned Government Advocate appearing for the respondent Nos.1 to 3 and Mr.T.A.Ebenezer, learned Counsel appearing for the fifth respondent.

5. The petitioner has completed B.Lit., in the year 2005 without prior permission, therefore, there is no entry for B.Lit., in the year 2005. The petitioner has claimed for such an entry in the year 2008 only. Therefore, the respondents have not considered his candidature for the promotion. The claim of the petitioner that he has completed five years of Secondary Grade Teacher post. But the



petitioner ought to have completed five years teaching experience in the B.T. Assistant post to claim for the promotion of the Middle School Headmaster. Admittedly, the petitioner is not having five years experience when the post was fell vacant. But the fifth respondent is having five years experience and is eligible for the promotion. Therefore, there is no illegality in granting promotion to the fifth respondent. The present writ petition is filed in the year 2017, challenging the promotion granted to the fifth respondent in the year 2006. Moreover, the petitioner has retired in the year 2016 and the petitioner has filed this writ petition after the retirement. This Court is not inclined to entertain this writ petition on delay and laches. Moreover there is no merit in this writ petition as stated supra.

6. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigan concerned.

To

1. The Joint Director (Aided Schools),
Directorate of Elementary Education,
Chennai - 600 006.
2. The District Elementary Education Officer,
Dindigul.
3. The chief Educational Officer,
Dindigul.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-10091[F] dated 04/03/2022)

+1 CC to M/s.SPL GP (SR-10181[F] dated 04/03/2022)

W.P. (MD) No.13234 of 2017
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