



N. ANAND VENKATESH.,J

2. *The brief facts of the case are as follows :-*

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respondent and when this writ petition was entertained, an order of interim injunction was also passed in favour of the petitioner. Ultimately, the writ petition itself was allowed by a common order dated 20.01.2017. The respondents aggrieved by the same, filed appeals in WA Nos.891 and 892 of 2018 and the order passed by the learned Single Judge was confirmed and pursuant to the same, the respondents promoted the petitioner as a graduate teacher (Maths) and the petitioner joined duty on 04.10.2019.

- *The petitioner made a representation to the 3rd respondent requesting for giving effect to the promotion of the petitioner from 31.07.2013 onwards since according to the petitioner he was not responsible for the delay in the promotion that was given to the petitioner. This representation was refused to be entertained by the 4th respondent. In the impugned proceedings, it was stated that the date of promotion of the petitioner can be fixed at 04.10.2019 only for the purpose of seniority for granting*



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promotion as a Middle School Head Master. Since the representation made by the petitioner was refused to be entertained and an arbitrary date came to be fixed by the 4th respondent, the present writ petition has been filed before this Court, questioning the same.

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. .

6. In the light of the above discussion, the impugned proceedings of the 4th respondent made in Endorsement No.1527/A4/2022 dated 24.06.2022 is hereby quashed. The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order and the 3rd respondent is directed to consider the representation and take a decision within a period of eight weeks from the date of receipt of the representation from the petitioner. This writ petition is allowed in the above terms. No costs.



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3. The Registry is directed to carry out the necessary corrections in the order and issue fresh order copy.

03.04.2023

SSI

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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A.Ulaganathan

...Petitioner

Vs.

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

2. The Director of Elementary Education,
DPI Complex,
Chennai 600 006.

3. The District Educational Officer (Elementary Education)
Chengalpet, Chengalpet District.

4. The Block Educational Officer,
St. Thomas Mount Block,
Chitlapakkam, Chennai 600 064

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
seeking Writ of Certiorarified Mandamus to call for the records relating
to Endorsement No.1527/A4/2022 dated 24.06.2022 passed by the 4th



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respondent and to issue consequential directions to the respondents to give retrospective effect to the petitioner's promotion as Graduate Teacher (Maths) w.e.f 31.07.2013 with monetary benefits and assign seniority with reference to the above said date and consider his candidature for promotion as Middle School head master.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

On consent given by either side, the writ petition itself has been taken up for final hearing.

2. The brief facts of the case are as follows :-

- The petitioner was appointed as a secondary grade teacher in the Chitlapakkam Union in the year 2002. The petitioner became qualified and eligible for promotion to the post of graduate teacher in the year 2013. However, his name was not considered and in the meantime, the other teachers from other union were transferred and posted to the Chitlapakkam Union. In the said process, the entitlement of the petitioner for promotion got



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derailed.

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- The petitioner filed a writ petition before this Court in WP No.21125 of 2013 challenging the said action of the respondent and when this writ petition was entertained, an order of interim injunction was also passed in favour of the petitioner. Ultimately, the writ petition itself was allowed by a common order dated 20.01.2017. The respondents aggrieved by the same, filed appeals in WA Nos.891 and 892 of 2018 and the order passed by the learned Single Judge was confirmed and pursuant to the same, the respondents promoted the petitioner as a graduate teacher (Maths) and the petitioner joined duty on 04.10.2019.
- The petitioner made a representation to the 2nd respondent requesting for giving effect to the promotion of the petitioner from 31.07.2017 onwards since according to the petitioner he was not responsible for the delay in the promotion that was given to the petitioner. This representation was refused to be entertained by the 4th respondent. In the impugned proceedings, it was stated that the date of promotion of the petitioner can be fixed at



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04.10.2019 only for the purpose of seniority for granting promotion as a Middle School Head Master. Since the representation made by the petitioner was refused to be entertained and an arbitrary date came to be fixed by the 4th respondent, the present writ petition has been filed before this Court, questioning the same.

3. Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.Stalin Abhimanyu, learned Additional Government Pleader for respondents.

4. Under normal circumstances, this Court would not have taken up the main writ petition itself for final hearing at the stage of admission, since the impugned proceedings of the 4th respondent has been put to test. However, this Court is inclined to take up the case for final hearing, since the impugned proceedings of the 4th respondent is completely bereft of reasons. That apart, the 4th respondent has not considered the claim that was made by the petitioner and deal with the same and has merely rejected the representation and has proceeded to



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fix the date of promotion as 04.10.2019 without assigning any reasons.

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In view of the same, the impugned proceedings of the 4th respondent dated 24.06.2022 is an error apparent on the face of the record which requires the interference of this Court.

5. Yet another reason as to why the impugned proceedings of the 4th respondent requires the interference of this Court is that the 4th respondent was only expected to forward the representation made by the petitioner to the 3rd respondent, who has the jurisdiction to consider the same and without adopting such a process, the 4th respondent himself has proceeded to deal with the representation and rejected the same.

6. In the light of the above discussion, the impugned proceedings of the 4th respondent made in Endorsement No.1527/A4/2022 dated 24.06.2022 is hereby quashed. The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order and the 3rd respondent is directed to consider the representation and take a



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decision within a period of eight weeks from the date of receipt of the representation from the petitioner. This writ petition is allowed in the above terms. No costs.

23.01.2023

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Index:Yes/No

Internet:Yes/No

To

1. The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George,
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2. The Director of Elementary Education,
DPI Complex,
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