



W.P.No.29937 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29937 of 2011
and M.P.No.1 of 2011

V.Soundararajan

... Petitioner

-Vs-

1. The Director of Elementary Education,
College Road,
Chennai-600 006.
2. The District Elementary Educational Officer,
Villupuram District,
Villupuram.
3. The Assistant Elementary Educational Officer,
Thirunavalur Panchayat Union,
Thirunavalur,
Villupuram District.
4. K.Shanmugam
5. C.Sakthivel
6. C.Senthil Kumar
7. J.Malarkodi
(R4 to R7 impleaded as per order
dated 13.03.2012 in M.P.No.1 of 2012
in W.P.No.29937 of 2011)

... Respondents



W.P.No.29937 of 2011

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the Respondents to re-fix the seniority of the Petitioner in the appropriate place in the seniority list of the Secondary Grade Assistant Teacher as on 01.01.2011 in Thirunavalur Panchayat Union, Villupuram District and consequently direct the Respondents to include the name of the Petitioner in the appropriate place in the panel for the year 2011 for the post of Elementary School Headmaster and promote the Petitioner as Elementary School Headmaster with all consequential benefits.

For Petitioner	: Mr.A.S.Kaizer
For R1 to R3	: Dr.T.Seenivasan Special Government Pleader
For R4 to R7	: Mr.A.Asuwathanan

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to re-fix the petitioner's seniority in the appropriate place in the seniority list of the Secondary Grade Assistant Teacher as on 01.01.2011 in Thirunavalur Panchayat Union, Villupuram District.

2. Heard the learned counsel on either sides and perused the



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materials available on record.

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3. The petitioner was appointed as Secondary Grade Assistant Teacher on 27.07.1997 and posted at Panchayat Union Middle School, Umarikottai, Pudukottai Panchayat Union, Tuticorin District. He had joined the said post on 04.08.1997. His probation in the post of Secondary Grade Assistant Teacher was declared on 03.08.1999. Thereafter, he was transferred to the present Panchayat Union and posted at Panchayat Union Elementary School, Maranodai. Thereafter, he was transferred to Panchayat Union Middle School, Kampattu in the year 2004. Thereafter, he was transferred to the Thirunavalur Panchayat Union as Secondary Grade Teacher. If a teacher is transferred from one Union to other Union, if the said teacher had completed his probation in the transferor Union, he should be placed below the teachers, who have completed probation in the transferree Union and his seniority has to be fixed accordingly. If the said teacher happens to be a person not completed the probation in the transferor Union, on transfer, he should be placed below the teachers who have not completed the probation in the transferree Union.



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4. As far as the petitioner is concerned, he was transferred to Thirunavalur Panchayat Union and his name was rightly fixed below the teacher of the transferee Union, who had completed probation before the petitioner's transfer to the said Union. In the said seniority list, the petitioner's name was placed in Sl.No.16, below the teacher one Geetha and above one K.Shanmugam. However, in the seniority list of the year 2009 and 2010, the petitioner's name was placed below the said K.Shanmugam.

5. Therefore, the petitioner submitted a detailed representation to re-fix the seniority. However, it was not considered so far. Though the petitioner was promoted to the post of Head Master, Primary School, if the petitioner's seniority is revised, he will be entitled for promotion to the post of Head Master, Elementary School. Therefore, the second respondent is directed to consider the request of the petitioner in accordance with the Rules, within a period of four weeks from the date of receipt of a copy of this order. If his seniority is revised, the petitioner is entitled for promotion to the post of Head Master, Elementary School on



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par with his Junior, the said K.Shanmugam and all consequential monetary benefits.

6. With the above directions, this Writ Petition is disposed of.

Consequently, connected Miscellaneous petition is closed. No costs.

17.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Director of Elementary Education,
College Road,
Chennai-600 006.
2. The District Elementary Educational Officer,
Villupuram District,
Villupuram.
3. The Assistant Elementary Educational Officer,
Thirunavalur Panchayat Union,
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