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W.P. No. 7894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7894 of 2023

R. Arulmozhi

... Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by its Secretary, School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
D.P.I. Complex, College Road, Chennai – 600 006.
3. The Chief Educational Officer,
Cuddalore District,
Cuddalore – 607 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondent to notionally promote the Petitioner to the post of Headmaster Higher Secondary School from the date of giving promotion to the post of Headmaster Higher Secondary School from the date of giving promotion to his junior namely A.Chandrasekharan who was promoted as Headmaster of Higher Secondary School by promotion order dated 30.10.2011 by considering his representation dated 18.01.2022 followed by remainder dated 01.12.2022 and re-fix his pay and all consequential revision of pension and retirement benefits and pay arrears.



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For Petitioner : Mr. P.Ebenezer Paul
For Respondents : Mr. B.Vijay,
Additional Government Pleader

ORDER

Heard Mr. P.Ebenezer Paul, Learned Counsel for the Petitioner and Mr. B.Vijay, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made representation dated 18.01.2022 followed by reminder dated 01.12.2022 for notionally promoting him to the post of Headmaster of Higher Secondary School from the date on which his junior, viz., A. Chandrasekharan, had been promoted with all attendant and monetary benefits, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of the controversy, passes the following order:-



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- (i) the concerned authority shall immediately examine the representation dated 19.01.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



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4. In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

15.03.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 01.06.2023

To

1. The Secretary, to Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
D.P.I. Complex, College Road, Chennai – 600 006.
3. The Chief Educational Officer,
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P.D. AUDIKESAVALU, J.

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