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W.P. Nos. 9867 & 9868 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.9867 and 9868 of 2012

and

W.M.P.Nos.2 & 3 of 2012

C.Jamuna Rani

... Petitioner in both W.Ps

Vs.

1.Director of Elementary Education,
DPI Compound, Chennai – 600 006.

2.District Elementary Education Officer,
Office of the District Elementary Education Officer,
Old Railway Station Road, Erode – 1.

3.Assistant Elementary Education Officer,
Ammapettai – 638 311. Erode District.

4.Additional Assistant Elementary Education Officer,
Ammapettai – 638 311. Erode District.

5.K.Valarmathi

...Respondents in both W.Ps

Prayer in W.P.No.9867 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records from the respondents 2 and 3 relating to



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the proceedings dated 31.03.2012 (signed on 03.04.2012) bearing reference Na.Ka.No. 93/A4/2012 read with the proceedings of the 3rd respondent dated 04.04.2012 bearing reference Na.Ka.No.501/2012/A1 unilaterally cancelling the petitioners promotion to the post of Head Mistress of Umarediiyur vide order dated 31.03.2012, quash the same and consequently direct the respondents 1 to 4 to continue the petitioner as Head Mistress together will all monetary and other benefits.

Prayer in W.P.No.9868 of 2012: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records from the respondents 2 to 4 relating to the seniority list (8) 1.1.2011 of the secondary grade teachers eligible for being promoted as Head Mistress in Ammapettai Union, Erode District signed by the 3rd and 4th respondents on 20.05.2011 placing the petitioner in SI.No.5 read with the consequential proceedings of the 2nd respondent dated 22.12.2011 bearing reference No. Na.Ka.No.2497/A4/2011 promoting the 5th respondent to the post of Head Mistress of Koochikkallur Elementary School and quash the same and consequently direct the respondents 1 to 4 to redrawn the seniority list of 01.01.2011 placing the name of the writ petitioner above



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the name of the 5th respondent and promote her to the post of Head Mistress w.e.f. 22.12.2011 the date on which the 5th respondent was promoted together will all consequential monetary, other benefits, due seniority and subsequent promotions.

For Petitioner in both W.Ps : Mr.K.Srinivasamurthy
Senior Counsel

For Respondents in both W.Ps : Mr.S.Prabakaran
Government Advocate for R1 to R4

ORDER

These two writ petitions were filed by the same petitioner and as such they are disposed of by this common order.

2. W.P.No.9867 of 2012 has been filed, aggrieved by the impugned proceedings, dated 31.03.2012 and 04.04.2012 unilaterally cancelling the promotion granted in favour of the petitioner as Head Mistress of Umarediiyur and W.P.No.9868 of 2012 has been filed questioning the alteration of seniority by placing the petitioner below the respondent No.5.



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3. This Court, having entertained the writ petitions, passed an interim order, staying the operation of the impugned orders on 12.04.2012. Though, an appearance is entered on behalf of the respondent No.4, no counter affidavit is filed.

4. However, the learned Government Advocate appearing for Education department represented that the cancellation of promotion and change of the position of the petitioner in the seniority list, by placing her below the respondent No.5, was done mistakenly and after this Court granted an interim stay, the respondents have realised the mistakes and allowed the petitioner to continue as Head Mistress and her seniority was also restored. Though, the learned counsel for the 5th respondent, entered appearance in the matter, no counter affidavit is filed and the submission made by the learned Government Advocate is not disputed.

5. The learned counsel for the petitioner also submitted that the petitioner is continuing as Head Mistress as on date. In the light of the



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submission made by the learned Government Advocate, this Court is of the considered view, that there is no necessity to go into the merits of the cases and accordingly, both the writ petitions are disposed of, duly placing on record the statement of learned Government Advocate as noted above.

6. Consequently, the miscellaneous petitions pending shall also stands closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

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