



WP No. 9897 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 13.10.2013

CORAM:

THE HONOURABLE MS. JUSTICE R.N. MANJULA

Writ Petition No.9897 of 2021
and
WMP Nos.10515, 10516 & 10519 of 2021

A. Ibrahim

... Petitioner

versus

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Chief Educational Officer,
Thirupathur District,
Thirupathur.
3. The District Educational Officer,
Thirupathur Education District,
Thirupathur District.
4. The Block Educational Officer,
Thirupathur Union,
Thirupathur District

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka. No. 5059/A4/2018 dated 06.05.2019 and to quash the same consequently directing the respondents to implement the earlier order of the 3rd respondent in Mu. Mu. No.5059/A4/2019 dated 07.01.2019, followed by the order of fixation of seniority of the petitioner vide proceedings of 4th respondent in Na. Ka. No.1337/A1/2019 dated 25.02.2019 and 23.03.2019, by granting promotion to the petitioner to the post of Primary School Headmaster on par with his junior Tmt. S. Radha, with all consequential and other attendant benefits, including the payment of arrears of salary along with interest and other service benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr. G. Sankaran,
Senior Advocate
for Mr. S. Nedunchezhiyan

For Respondents : Mr. T. Arunkumar,
Government Advocate

ORDER

Challenging the impugned order passed by the 3rd respondent in Na.Ka.No.5059/A4/2018 dated 06.05.2019, the present writ petition has been



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2. The petitioner, who was initially appointed as Secondary Grade Teacher in Elementary Education Department on 04.10.1996, was subsequently posted in Panchayat Union Middle School, Devarishikuppam in K.V.Kuppam Union where he got his probation declared. Subsequently, he was transferred to Thirupathur Union in the same cadre within Kurumbakeri Panchayat Union Primary School on 11.02.1999. In accordance with the orders of Director of Elementary Education in Na.Ka.No.5939/ED1/2001 dated 15.11.2001, since the petitioner was transferred from one Union to another Union as a declared probationer, he was placed as a junior most person below the name of the last declared probationer in the transferred Union in the same post. He has been correctly fixed in the seniority list dated 20.01.2007. However, in the seniority list prepared in the year 2012, the petitioner's seniority was placed below his juniors, who had not even completed their probation at the time when the petitioner was transferred to Thirupathur Union on 11.02.1999. Hence, the petitioner filed the writ petition in W.P.No.12214 of 2014 to direct the respondents to revise the seniority list drawn on 01.01.2013 in respect of the Secondary Grade Teacher in Thirupathur Union on the basis of his representation dated 02.01.2014 and a direction has been given in the said writ petition on 14.09.2018 directing the first respondent/the District Elementary Educational Officer, Vellore District, Vellore, to consider



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his representation. However, the 4th respondent/Block Educational Officer, Thirupathur Union, has passed the order in Na.Ka.No.1337/A1/2018 dated 25.02.2019 by referring to the earlier wrong proceedings of the 3rd respondent District Educational Officer, Thirupathur District, dated 15.11.2001 and placed him above the name of Tmt.S.Radha. In the said order dated 25.02.2019, the petitioner was included in serial no.10 and his junior Tmt. S.Radha and others have been included in Serial No.12 to 16. The petitioner therefore approached the respondents for promotion on par with his juniors. The 4th respondent again sent a report on 25.04.2019 by wrongly placing the petitioner below the approved probationer by name Shanthi. The petitioner objected and sent representation to the third respondent, but the same was rejected by virtue of the impugned order dated 06.05.2019 by stating that the 4th respondent has forwarded further proposal that the name of the petitioner ought to be placed below S. Santhi in Sl.No.35. Therefore, the petitioner has filed this writ petition to quash the order of the 3rd respondent in Na.Ka.No.5059/A4/2018 dated 06.05.2019 and direct the respondents to implement the earlier order of the 3rd respondent dated 07.01.2019.

3. The records would show that by considering the petitioner's representation dated 15.02.2018 he was placed in the 10th position in the



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seniority list and his junior Radha has been placed in the 12th position. So the petitioner cannot have any grievance against the order dated 23.03.201. In the impugned order dated 06.05.2019, another employee, by name Shanthi, who was already a declared probationer and who had also joined in Thirupathur Union from some other union has been rightly placed above the petitioner. The petitioner cannot have any grievance against S. Shanthi because she was already declared probationer and her probation was declared prior to the declaration of the petitioner and hence, the said S.Shanthi ought to have been placed above the petitioner irrespective of the fact whether she claimed it or not.

4. Since the impugned proceedings dated 06.05.2019 has rightly been passed rejecting the representation of the petitioner I do not find any reason to interfere. Even the appeal filed by the petitioner challenging the said order dated 06.05.2019 has also been dismissed on 12.11.2019 which was also admitted by the petitioner. In fact the impugned order has been passed pursuant to the representation of the petitioner dated 15.11.2018 as it appears from the reference of the said proceedings. However the petitioner has not produced copy of his representation to show on what basis he claims the dispute about the seniority once again. Hence, the petitioner is directed to



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produce the copy of the representation dated 15.11.2018 and clarify the court how he is aggrieved, by properly placing the facts before this Court.

5. Even in the counter of the 3rd respondent, it has been stated that the petitioner has been placed in the correct position and his junior has been only placed below him. But the petitioner had filed this petition by confusing the issue without properly understanding the order already passed in accordance with law . Since the petitioner has not properly placed the facts before this Court and substantiated how he is really aggrieved, I find no reason for interference.

6. Hence, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

mrp



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To

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R.N.MANJULA, J.

mrp

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