



WEB COPY



W.P.No.22910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22910 of 2023

N.Kannayiram

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Secretariat, Chennai – 600 009.

2.The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai – 600 005.

3.The District Adi Dravidar and Tribal Welfare Officer,
Kallakurichi District,
Kallakurichi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to promote the petitioner to the post of Tutor-cum-Warden/B.T. Assistant based on the panel of the year 2021-2022, within the vacancy to the post of Warden earmarked for Men Teacher as well as within the estimate of vacancies arising within the panel year in accordance with Section 7 of Tamil Nadu Government Servants (Conditions of Service) Act 2016, in consideration of representation submitted by the petitioner, dated 31.10.2022, within a time frame to be fixed by this Court.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to promote the petitioner to the post of Tutor-cum-Warden/B.T. Assistant based on the panel of the year 2021-2022, within the vacancy to the post of Warden earmarked for Men Teacher as well as within the estimate of vacancies arising within the panel year in accordance with Section 7 of Tamil Nadu Government Servants (Conditions of Service) Act 2016, in consideration of representation submitted by the petitioner, dated 31.10.2022, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he was appointed as Secondary Grade Teacher in Adi Dravidar Welfare Department on 28.08.2006 and his services were regularised and probation has been declared. According to the petitioner, he is qualified for promotion to the post of B.T.Assistant-cum-Warden on completion of his M.A., B.Ed. qualification. While so, the 3rd respondent has issued a presumptive panel for the year 2021 prepared as on 01.03.2021, vide proceedings dated



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13.04.2022, wherein, the petitioner's name has been included in Sl.No.4.

Subsequently, the 3rd respondent also issued final approved panel vide proceedings in Na.Ka.No.M3/3993/2022, dated 27.06.2022, in which, the petitioner's name has been included in Sl.No.4 for promotion to the post of B.T.Assistant-cum-Warden. However, it is the grievance of the petitioner that, instead of considering the petitioner for promotion, one K.Jaya has been given promotion. Though the petitioner has given a representation to the respondents in this regard, dated 31.10.2022, the same has not been considered by the respondents. Hence, the present writ petition.

3.Heard the learned counsel for the petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader, who takes notice for the respondents.

4.Considering the facts and circumstances of the case, instead of giving positive directions, this Court deems fit that the respondents be directed to consider the representation of the petitioner, dated 31.10.2022, on its own merits and in accordance with law, and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is disposed of. No costs.

04.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai – 600 005.
3. The District Adi Dravidar and Tribal Welfare Officer,
Kallakurichi District,
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N. SATHISH KUMAR, J.
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