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W.P.No.24211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.24211 of 2023
and
W.M.P.No.23669 of 2023

B.Ilangeswaran

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Joint Director of School Education (Higher Secondary)
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Tirupattur District,
Tirupattur.

... 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 include the name of the Petitioner in 2023-24 panel for promotion to the post of Higher Secondary School Headmaster prepared as on 01.01.2023 and published on 08.08.2023 in consideration of seniority and eligibility of the petitioner consequent to the orders passed in W.P. No 20917 of 2022 dated 20.07.2023 quashing the punishment of stoppage of increment for



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one year and consequently direct the respondents to promote the petitioner to the post of Higher Secondary School Headmaster, with all consequential and other attendant benefits in consideration of representation submitted by the petitioner dated 26.07.2023.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents to include the name of the petitioner in 2023-24 panel for promotion to the post of Higher Secondary School Headmaster, prepared as on 01.01.2023 and published on 08.08.2023, considering the seniority and eligibility of the petitioner consequent to the orders passed in W.P.No.20917 of 2022, dated 20.07.2023, quashing the punishment of stoppage of increment for one year and consequently, to direct the respondents to promote the petitioner to the post of Higher Secondary School Headmaster, with all consequential and other attendant benefits, by considering the representation submitted by the petitioner dated 26.07.2023.



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2.It is the case of the petitioner that, while he was working as P.G.Assistant in Koratti Government Higher Secondary School, Tirupattur District, a criminal case came to be registered against him, based on which, departmental proceedings were initiated and ultimately, the petitioner was imposed with a punishment of stoppage of increment for one year, by final order dated 24.10.2020. However, the petitioner challenged the punishment order before this Court in W.P.No.20917 of 2022 and this Court, by its order dated 20.07.2023, quashed the entire punishment. Hence, it is the contention of the petitioner that, once the entire punishment has been quashed by this Court, he has been relieved from the departmental proceedings and he should be included in the panel for the next promotion. In this regard, the petitioner has also given his representation on 26.07.2023. Despite receipt of the representation, his name has not been included in the panel published on 08.08.2023. Hence, the writ petition.

3.Heard the learned Senior Counsel appearing for the petitioner.



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4.Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents, on instructions, submitted that the representation has been forwarded to the Joint Director/2nd respondent and orders will be passed very soon.

5.It is relevant to note that, as per Section 7(1) r/w. Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, once an employee is exonerated from the charges, the employee can be considered for promotion or appointment with retrospective effect from the date on which his immediate junior was promoted, if he is otherwise eligible for such promotion. In such view of the matter, the respondents are directed to consider the representation submitted by the petitioner, dated 26.07.2023, and pass orders in tune with the above provisions of the Act, within a period of 15 days from the date of this order. It is made clear that, till such orders are passed on the representation of the petitioner, the respondents shall not fill up all the posts.



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6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The Joint Director of School Education (Higher Secondary)
Directorate of School Education,
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N. SATHISH KUMAR, J.
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