



W.P.(MD)No.634 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.634 of 2023
W.M.P(MD).Nos.635 and 637 of 2023

A.Chandra

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai-9.
- 2.The Commissioner of Adi Dravidar Welfare,
O/o.The Commissioner of Adi Dravidar Welfare,
Chepauk,
Chennai-5.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
O/o.The District Adi Dravidar and Tribal Welfare,
Dindigul District.

4.R.Banumathy

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.37494/2015/H.6 dated



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24.09.2021 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to grant promotion to the petitioner as B.T.Assistant (English) in the light of the Final Seniority Panel List issued by the respondent No.3 vide his proceedings in Na.Ka.No.29179/2021/H.6 dated 11.04.2022 and the proceedings in Na.Ka.No.37494/2015/h6 dated 12.10.2022 issued by the respondent No.3, within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.K.Christy Theboral
Additional Government Pleader
for R1 to R3
Mr.T.Lenin Kumar for R4

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order in Na.Ka.No.37494/2015/H.6 dated 24.09.2021 issued by the third respondent, quash the same as illegal and direct the third respondent to grant promotion to the petitioner as B.T.Assistant (English), in the light of the Final Seniority Panel List issued by the third respondent, vide the proceedings in Na.Ka.No.29179/2021/H.6 dated 11.04.2022 and the proceedings in Na.Ka.No.37494/2015/h6 dated



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12.10.2022 issued by the third respondent, within the time period stipulated by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Secondary Grade Teacher at Government Adi Dravidar Welfare Primary School, Paraliputhur, Natham, Dindigul District, in the year 2000 and she was promoted to the post of Primary School Headmaster on 06.07.2011. Presently, she is working as Primary School Headmaster. The petitioner is fully qualified to the post of B.T.Assistant (English) as on 01.03.2016 itself. However, her name was not included in the seniority panel. Hence, she has submitted a representation dated 06.03.2017 to include her name in the Seniority Panel drawn as on 01.03.2016. Thereafter, the seniority panel as on 01.03.2021 was drawn by the third respondent on 11.04.2022, in which, her name is included in Serial No.2. While so, the third respondent has issued the impugned order dated 24.09.2021, by which the fourth respondent was granted promotion to the post of B.T.Assistant (English) in the existing vacancy at Government Adi Dravidar Higher



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Secondary School, Alagampatti, Dindigul District. Aggrieved by the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner has filed the present writ petition challenging the promotion granted in favour of the fourth respondent, with regard to the qualification of the fourth respondent, already the third respondent has forwarded a proposal to the second respondent for passing appropriate orders vide proceedings dated 12.10.2022. Hence, this Court may issue a direction to the second respondent to conduct enquiry between the petitioner and the fourth respondent, as per the proposal forwarded by the third respondent dated 12.10.2022 and pass appropriate orders.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent have no serious objection for such an order being passed by this Court.



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5. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order issued by the third respondent, directs the second respondent to conduct enquiry between the petitioner and the fourth respondent and pass appropriate orders on merits and in accordance with law, on the proposal forwarded by the third respondent dated 12.10.2022, after providing opportunity to the petitioner and the fourth respondent.

6. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

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ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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To

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- 2.The Commissioner of Adi Dravidar Welfare,
O/o.The Commissioner of Adi Dravidar Welfare,
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M.DHANDAPANI,J.

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