



W.P.(MD)No.3591 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3591 of 2023
and
W.M.P(MD)No.3348 of 2023

1.A.Karpagaraja
2.M.Visuvakumar
3.M.Murugan

... Petitioners

Vs.

1.State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Technical Education,
Directorate of Technical Education,
Guindy,
Chennai – 600 025.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to grant promotion to the petitioners in the post of Assistant with effect from 16.03.2017 in the light of the Government Order in G.O.Ms.No.126 Higher Education (C2) Department, dated 08.07.2022 and the proceedings of the second respondent vide proceedings order



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No.18559/D3/2022, dated 16.11.2022 and to re-fix the inter-se-seniority among the Assistants by considering the objections raised by the petitioners within the time period stipulated by this Honourable Court.

For Petitioner : Mr.T.Aswin Rajasimman for
M/s.Lajapathi Roy and Associates
For Respondents : Mr.S.Saji Bino,
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the second respondent to grant promotion to the petitioners in the post of Assistant with effect from 16.03.2017 in the light of the Government Order in G.O.Ms.No.126 Higher Education (C2) Department, dated 08.07.2022 and the proceedings of the second respondent vide proceedings order No.18559/D3/2022, dated 16.11.2022 and to re-fix the inter-se-seniority among the Assistants by considering the objections raised by the petitioners within the time period stipulated by this Honourable Court.

2. The case of the petitioners is that the petitioners were directly recruited to the post of Junior Assistant in the year 2014. The grievance of the petitioners is that due to administrative delay in sending the



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petitioners to Bhavani Sagar training, the probation of the petitioners was not declared on completion of two years. Subsequently, based on the request made by the petitioners and other similarly placed persons, the first respondent issued G.O.Ms.No.126 dated 08.07.2022, the probation was declared as on completion of two years of service in the post of Junior Assistant and the petitioners were included in the panel for promotion to the post of Assistant. However, till date, the petitioners were not issued with promotion orders notionally in the light of the Government Order issued in G.O.Ms.No.126 dated 08.07.2022. Hence, the petitioners have made a representation before the second respondent on 08.02.2023. The same has not been considered so far. Hence, the petitioners have filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the second respondent is directed to dispose of the representation of the petitioner, dated 08.02.2023, on merits and in accordance with law, within a specified period.



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4. The learned Special Government Pleader appearing for the respondents, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 08.02.2023 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

PM
NCC:Yes/No
Index:Yes/No



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To

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- 2.The Director of Technical Education,
Directorate of Technical Education,
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M.DHANDAPANI, J.

pm

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