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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.5451 of 2023

S.Philomy ... Petitioner

**Vs.**

1.The Commissioner of School Education,
DPI Campus,
Chennai-6.

2.The Chief Educational Officer,
CEO Office,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Nagercoil,
Kanyakumari District.

4.The Regional Accounts Officer (Audit),
School Education Department,
Thallakulam CEO, OFF Campus,
Madurai-2.

5.The Headmaster,
Government Higher Secondary School,
Eraniel,
Kanyakumari District. ... Respondents

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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to clear the audit objection raised against the petitioner in the light of the Government Order in G.O.Ms.No.106, School Education (SE3(1)) Department, dated 16.06.2022 and grant selection grade for completion of 10 years of service in the post of Physical Education Teacher with effect from 06.12.2020 and to include the petitioner's name in the panel for promotion to the post of Physical Director Grade II at the earliest within a time period stipulated by this Court.

For Petitioners : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy & Associates

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side.

2.The petitioner is presently working as Physical Education Teacher in the 5th respondent Government School. The next promotional post is that of Physical Director Grade II. The petitioner was not included in the promotional panel for the reason that the qualification obtained by the petitioner was originally not considered as eligible. In the counter affidavit filed in the writ petition, it has been clarified that following issuance of G.O.Ms.No.106, School

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Education (SE3(1)) Department, dated 16.06.2022, the petitioner's candidature would be considered for promotion in accordance with law for the forthcoming vacancies. It is also stated that in view of the subsequent development, audit objection raised in respect of conferment of incentive in favour of the petitioner would be disposed of.

3. The 4th respondent is directed to dispose of the petition mentioned audit objection on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. As regards the petitioner's claim for promotion, it has already been clarified in the counter affidavit itself.

4. Recording the stand of the respondents and with the aforesaid direction to the fourth respondent, the Writ Petition is disposed of. No costs.

**25.04.2023**

Index : Yes / No
Internet : Yes/ No
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To

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**G.R.SWAMINATHAN, J.**

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