



W.P.(MD).No.17422 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17422 of 2023

J.David Dhanapaul

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Tirunelveli.
- 2.The District Educational Officer,
Tirunelveli.
- 3.The Manager,
T.D.T.A, High, Higher Secondary and Special Schools,
CSI Tirunelveli Diocese,
Palayamkottai,
Tirunelveli.
- 4.The Correspondent,
Baren Bruck Higher Secondary School,
Bungalow Surandai,
Tenkasi District.
- 5.The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur, Alangulam Taluk,
Tenkasi District.



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6.The Correspondent,
St. Peters Higher Secondary School,
Ukkirankottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to promote the petitioner as P.G. Assistant by considering the petitioner's representation, dated 20.05.2023 in any one of the retirement vacancies caused due to the superannuation of the teachers.

For Petitioner : Mr.R.Aravindraaj

For R-1 & R-2 : Mr.N.Ramesh Arumugam
Government Advocate

For R-3 to R-6 : Mr.H.Arumugam

ORDER

The present writ petition has been filed seeking direction to the third respondent to promote the petitioner as P.G. Assistant by considering the petitioner's representation, dated 20.05.2023 in any one of the retirement vacancies caused due to the superannuation of the teachers.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner was appointed in the year 1997 as B.T. Assistant in the self-finance stream of T.D.T.A High School at Seval, which comes under the third respondent and served up to 2006. Thereafter, he was appointed as B.T. Assistant Science in a sanctioned post on 02.06.2006 at Cathedral Higher Secondary School in Palayamkottai. He was further transferred to many other Schools of the diocese as B.T. Assistant. During his tenure of service at fourth respondent School in the year 2018, an allegation of harrasment of girl student was levelled against him, for which, an Enquiry Committee was constituted by the Child Welfare Committee. The enquiry report submitted by the Chairman of the Child Welfare Committee on 10.04.2018 revealed that the allegations levelled against the petitioner all were false and manipulated.

4. Thereafter the petitioner got transferred to another School at Palayamkottai and was working therein. When a newly elected body took charge of the Management in the year 2021 again the petitioner was transferred to the fifth respondent School. Once again the petitioner was targeted by the Management and another case of child abuse was initiated against him and enquiry was also conducted. In the meanwhile, he was suspended from service



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and this time it was a retired District Judge, who enquired into the allegations levelled against the petitioner and the retired District Judge in the findings of his enquiry report concluded that, the claim of child abuse against the complainant is untenable. As a result of which, the fifth respondent revoked the suspension of the petitioner.

5. As a consequence of the same, he was transferred to the sixth respondent School. The petitioner possessed Master Degree in Zoology with B.Ed., which is a mandatory requirement for being promoted as P.G. Assistant in Zoology and he is fully qualified and eligible to be promoted as P.G. Assistant. The third respondent is maintaining the seniority register in which, the petitioner's name stands second in the list of candidates eligible for being promoted as P.G. Assistant. Admittedly, there are three vacancies to the post of P.G. Assistant, Zoology in the School under the Management of the third respondent. The petitioner apprehends that because of the conduct of two previous enquiries though which ended in emerging himself with the clean image that may offend his prospectus of getting promoted to the said post. Hence, he made a representation on 20.05.2023 to the third respondent seeking



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to promote him as P.G. Assistant and the said representation is not considered so far. Hence, this writ petition came to be filed.

6. Without going into the merits of this case, this Court is inclined to direct the third respondent to consider the representation of the petitioner, dated 20.05.2023 and promote him to the post of P.G. Assistant by taking into account the previous two reports of the Child Welfare Committee within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

20.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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L.VICTORIA GOWRI, J.

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