



W.A.(MD) No.891 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.11.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.891 of 2018
and C.M.P.(MD) Nos.5676 of 2018 and 6764 of 2021

V.Ramesh

... Appellant/3rd Respondent

-Vs.-

1.Gandhigran Santhi High School for Deaf,
Rep. by its Correspondent,
Sivasailam – 627 412,
Tirunelveli District.

... 1st Respondent/Petitioner

2.The Commissioner for Differently Abled,
Government of Tamil Nadu,
K.K.Nagar, Chennai – 600 078.

3.The District Differently Abled Welfare Officer,
Kokkirakulam,
Tirunelveli District.

4.V.Saravanan

... Respondents 2 to 4/
Respondents 1, 2 & 4

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to
set aside the order dated 04.06.2018 made in W.P.(MD)No.203 of 2017
on the file of this Court.



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For Appellant

: Mr.M.Ajmalkhan,
Senior Counsel for
M/s.Ajmal Associates

For Respondents

: Mr.M.Senthil Kumar for R1

Mr.S.P.Maharajan,
Special Government Pleader
for R2 & R3

Mr.R.R.Kannan for R4

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been instituted against the order dated 04.06.2018, passed in W.P.(MD) No.203 of 2017.

2. The third respondent in the Writ Petition is the appellant in the Writ Appeal. The Writ Petition was filed by the first respondent School, challenging the validity of the dated 27.12.2016, passed by the Commissioner for Differently Abled / second respondent in the Writ Appeal.

3. The School instituted the proceedings seeking approval of the promotion of the fourth respondent Mr.V.Saravanan as Headmaster of



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the 1st respondent's school with effect from 01.06.2010. Learned Single Judge adjudicated the relative merits between the parties and directed the Commissioner / 2nd respondent to approve the appointment of Mr.V.Saravanan as Headmaster of the 1st respondent with effect from 01.06.2010 and disburse the consequential benefits. Aggrieved by the direction, granting approval of appointment to the post of Headmaster, the third respondent in the Writ Petition Mr.V.Ramesh preferred the Writ Appeal.

4. Learned Senior Counsel appearing on behalf of the appellant mainly contended that the case of the appellant was not considered on account of the warning issued to him and as per the Service Rules Warning is not a punishment, and thus, rejecting the claim of the appellant is in violation of the promotion rules in force.

5. However, the learned Senior Counsel on instructions, made a submission that the appellant is ready to wait till such time the fourth respondent attains the age of superannuation and retire from service from the post of Headmaster. The fourth respondent is due to retire from service within a period of one year. Learned Senior Counsel reiterated



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that the name of the appellant may be considered after the retirement of the fourth respondent and the Management has no objection for considering the name of the appellant after the retirement of the fourth respondent Mr.V.Saravanan.

6. It is needless to state that warning is not a punishment. More so, the said warning has already been taken into consideration while preparing the panel for promotion during the previous occasion and therefore, the very same warning issued to the appellant need not be taken against him while preparing the panel after the retirement of the fourth respondent.

7. Further, it is needless to state that the panel for promotion is to be prepared by following the rules and by considering relative merits between the employees who all are aspiring to secure promotion. Since the appellant has decided to wait till such time the fourth respondent attains the age of superannuation, no further adjudication needs to be undertaken. Accordingly, the first respondent Gandhigran Santhi High School for Deaf is directed to consider the case of the appellant for promotion to the post of Headmaster after the retirement of the fourth



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respondent V.Mr.Saravanan. Since the appellant has not insisted for the relief as such sought for in the present Writ Appeal, there is no impediment for granting approval of appointment of the fourth respondent to the post of Headmaster by following the Rules.

8. With these directions, the Writ Appeal stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.J.] & [V.L.N.J.]
27.11.2023

NCC :Yes/No
Index :Yes/No
SJ

To

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