



W.P.No.22278 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.22278 of 2011
and
M.P.Nos.01 & 02 of 2011

David Wilson

....Petitioner

Vs

1. The Principal Secretary and State
Commissioner for Differently Abled,
15/2 Model School Road,
Thousand Lights, Chennai -6.
2. The Secretary to Government,
Welfare of Differently Abled
Persons (DAP 1(1) Department,
Fort St George, Chennai 9.
3. K.Vijayakumari,
Head Master,
Government Higher Secondary School for Blind,
Trichy -17.
- 4.S.Perumal,
Principal,
Government Higher Secondary School for
Differently Abled,
Poonamallee, Chennai

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India,
pleased to issue a Writ of Certiorarified Mandamus calling for the records



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of the 2nd respondents in connection with the impugned order passed in G.O.Ms.No.31, Welfare of Differently Abled Persons (DAP 1(1)) Department dated 07.09.2011 and quash the same and further direct the respondents to consider the claim of the petitioner for promotion to the post of Principal, Government Higher Secondary School for Blind, Poonamallee and promote him as Principal and grant him all consequential service and monetary benefits.

For Petitioners : Mr.K.Venkataraman (Senior Counsel)
for Mr.M.Muthappan

For R1 & R2 : Mr.D.Gopal
Government Advocate

ORDER

This Writ Petition has been filed to call for the records of the 2nd respondents in connection with the impugned order passed in G.O.Ms.No.31, Welfare of Differently Abled Persons (DAP 1(1)) Department dated 07.09.2011 and quash the same and further direct the respondents to consider the claim of the petitioner for promotion to the post of Principal, Government Higher Secondary School for Blind, Poonamallee and promote him as Principal and grant him all consequential service and monetary benefits.



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2. It is the submission of the learned counsel for the petitioner that petitioner was appointed as B.T Assistant (Science) in the Blind School on 13.09.1989. Petitioner acquired his P.G qualification in Political Science, Sociology and English in the year 1992, 1987 and 2001 respectively. Petitioner acquired his Masters Degree in Education in December 1988 and he was transferred as Lecturer in the Regional Teachers Training School for the teachers of the Blind on 31.05.1994. Petitioner was promoted as P.G Assistant from 06.07.2006. He was put in-charge of the Principal of the Government Higher Secondary School for Blind, Poonamallee, Chennai 56 by the orders of the 1st respondent in proceedings No.8618/SS-1/2008 dated 25.05.2009. Now, petitioner has been serving as P.G Assistant, Government Higher Secondary School for Blind, Trichy from 15.07.2011 because of the fact that the petitioner has sought for promotion as regular Principal of the Government Higher Secondary School for Blind, Poonamallee, Chennai -56. It is his further submission that, 3rd & 4th respondent are juniors to petitioner and they have been promoted as P.G Assistant and then as a Principal without following the rules. In the said circumstances, this Writ Petition is filed.



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3. In reply, the learned Government Advocate appearing for R1 & R2 submitted that, in the seniority list issued for the year 2002 to 2003, petitioner's name is found in S.No.03. However, petitioner has not cleared Departmental Exam required for further promotion. Petitioner in his affidavit stated that, he became eligible for promotion as Headmaster in the year 2005. However, since, there were other teachers senior to the petitioner were available for the promotion to the post of Headmaster, petitioner was promoted to the post of P.G Assistant in the year 2006. Respondents 3 & 4 were appointed 4 years and 11 years ahead of petitioner's appointment as P.G Assistant. Therefore, petitioner's claim that he is senior to 3rd & 4th respondents is unfounded. It is his further submission that, respondents 3 & 4 had retired from their service on attaining the age superannuation. Hence, he submitted that, nothing survives in this Writ Petition. He produced letter from Assistant Director (Administration), Director for Welfare of the Differently Abled to The Government Pleader's Office, furnishing all these details.

4. Considered the rival submissions and perused the records. It is pertinent to refer to the service details of the petitioner and the 3rd & 4th



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respondents given in the Tabular Form in R.O.C.No.442/Ad.1/2024 dated 09.02.2024 and the same is extracted hereunder:

	Petitioner - David Wilson	3rd Respondent - Vijayakumari	4th Respondent - Perumal
Date of Birth	13.04.1956	26.05.1960	04.02.1955
Date of appointment as Secondary Grade Teacher	-	-	15.06.1987
Date of appointment as B.T Assistant	13.09.1989	26.10.1989	-
Date of appointment as PG Assistant	06.07.2006	03.12.2002	24.03.1995
Date of appointment as Principal/ Headmaster in High School	-	18.11.2005	-
Date of appointment as Principal/ Headmaster in Higher Secondary School	-	14.09.2011	07.09.2011
Date of retirement	30.04.2014	31.05.2018	02.04.2013

This tabular column indicates that, though petitioner was appointed as B.T.Assistant on 13.09.1989, since, he had no requisite qualification of clearing departmental examination, he was appointed as P.G Assistant only on 06.07.2006, where as the 3rd Respondent was appointed as P.G. Assistant on 03.12.2002 and 4th respondent was appointed on 24.03.1995. 3rd respondent was appointed as Principal / Head Master in High School on



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18.11.2005 and Principal/Headmaster in Higher Secondary School on 14.09.2011 and 4th respondent was appointed as Principal/ Headmaster on 07.09.2011.

5. From this detail given above, it is clear that, petitioner was promoted as P.G Assistant only on 06.07.2006, much later than the respondents 3 & 4 and that was the reason why he was not considered for the post for Principal /Headmaster in the High School and Higher Secondary School. Now petitioner, respondents 3 & 4 had retired from service on attaining the age superannuation.

6. In view of the aforesaid facts, this Court finds no merits in this petition to entertain the claim of the petitioner. Accordingly, this Writ Petition is dismissed. Parties are directed to bear their own costs. Consequently connected miscellaneous petitions are closed.

12.02.2024

Index :Yes/No
Internet:Yes/No
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To

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G.CHANDRASEKHARAN, J

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