



W.P.No.4064 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4064 of 2024

K.Sathiyamurthy

...Petitioner

-Vs -

1. The Principal Sectary to Government,
Department of School Education,
Fort St. George,
Chennai.
2. The Commissioner of School Education,
O/o. Commissioner of School Education,
Nungambakkam,
Chennai.
3. The Joint Director of School Education (Personnel),
O/o. Joint Director of School Education,
Chennai – 600 006.
4. The Chief Education Officer,
O/o. Chief Educational Officer,
Kanchipuram District,
Kanchipuram.
5. The District Education Officer,
O/o. District Educational Officer,
Sriperumbudhur,
Kanchipuram District.

... Respondents



W.P.No.4064 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order in O.Mu.No.3079/A1/2021 dated 29.09.2021 on the file of the fourth respondent as arbitrary, unreasonably and quash the same and direct the fourth respondent herein to forward petitioner's appeal dated 12.08.2021 to the second respondent herein for his consideration.

For Petitioner : Mr.Thiyagarajan, Senior Counsel
For. M.S.Ramesh Kumar

For Respondents : Mrs.S.Mythereye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 29.09.2021, thereby rejecting the appeal filed by the petitioner on the ground of laches.

2. Heard the learned counsel on either side and perused the materials available on records.

3. The petitioner was appointed as Second Grade Teacher in the year 1995 and subsequently, he was promoted to the post of Graduate Teacher (Tamil) in the year 2009. The petitioner had qualified in the



W.P.No.4064 of 2024

required examination and as such, he was promoted to the post of Deputy Inspector of Schools in the year 2014. During the year 2018, the first respondent issued G.O.Ms.No.108 dated 28.05.2018, thereby consolidated the existing District Educational Officer, District Primary Education Officer, Inspector Matriculation of Schools into 52 new District Educational officers, for better administration purpose and efficient inspection of schools. Further directed to fill up the newly created 52 District Educational Officer.

4. Accordingly, the petitioner was transferred to the newly formed District Educational Office, St. Thomas Mount, Kancheepuram District, by the communication dated 31.05.2018. When the petitioner about to join in the newly formed post of District Educational Officer, Kancheepuram, he was not permitted to join in the duty, on the ground that the post of Deputy Inspector of Schools has already been filled up and there was no vacant post available to accommodate the petitioner. Therefore, the petitioner submitted representation to the Chief Educational Officer. However, the petitioner was denied employment for nearly five months without any salary. Finally, he was issued posting



W.P.No.4064 of 2024

order as the Deputy Inspector of Schools in the District Educational Office, Sriperumbudur, by the third respondent by its proceedings dated 12.11.2018. Hence, the petitioner submitted representation to consider the interregnum period as the continuous service period and to pay salary for the said period.

5. However his request was also rejected by the communication dated 24.04.2019 by the fourth respondent, by citing the proceedings of the third respondent dated 21.03.2019, that the petitioner refused to join as B.T. Assistant and he consented to join in the post of Deputy Inspector of Schools. Therefore, there was delay in posting the petitioner as Deputy Inspector of Schools. Hence, the said period was treated as leave. Aggrieved by the said order dated 24.04.2019, the petitioner preferred an appeal only on 02.03.2021, before the second respondent and the same was also rejected by the proceedings dated 04.05.2021, on the ground that only because the petitioner did not join in the post of B.T. Assistant, there was a delay in posting the petitioner in the post of Deputy Inspector of Schools. Further the said delay cannot be said as administrative delay.



W.P.No.4064 of 2024

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6. Once again, the petitioner filed appeal as against the order dated 04.05.2021, before the second respondent on 12.08.2021, since the earlier post of Director of School Education has now converted into Commissioner of School Education. It was also rejected by the fourth respondent by the order dated 29.09.2021, on the ground that the petitioner failed to file an appeal within a period of 60 days. Further, the present writ petition is also filed after the period of two years from the date of the order impugned in this writ petition viz., 29.09.2021. Hence, this Court finds no infirmity or illegality in the order passed by the fourth respondent. The writ petition itself devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

21.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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W.P.No.4064 of 2024

G.K.ILANTHIRAIYAN. J.

rts

To

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W.P.No.4064 of 2024

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