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W.P.No.29030 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.29030 of 2012
and M.P.No.1 of 2012

B.Subramanian

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai – 600 006.

2.The District Elementary Educational Officer,
Tiruvanamalai District,
Tiruvanamalai.

3.The Assistant Elementary Educational Officer,
Kanyambadi,
Tiruvanamalai District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the second respondents to consider the representation made by the petitioner in his representation dated 14.09.2012 and to promote the petitioner to the post of BT Assistant/Headmaster on par with the juniors considering the eligibility of the petitioner with the consequential and other attendant benefits with reference to the seniority and arrears of salary.



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For Petitioner : Mr.M.Dhandapani

For Respondents 1 to 3 : Mr.T.Cheziyan,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner to direct the second respondents to consider the representation made by the petitioner in his representation dated 14.09.2012 and to promote the petitioner to the post of BT Assistant/Headmaster on par with the juniors considering the eligibility of the petitioner with the consequential and other attendant benefits with reference to the seniority and arrears of salary.

2. The case of the petitioner is that the petitioner was appointed as full time Prevocational Instructor on 20.02.1989 in Gudiyatham Panchayat Union Middle School, K.V.Palayam, Gudiyatham Union and in the same school up to 18.06.1991 and subsequently, he was transferred and worked from 19.06.1991 to 05.07.1994. At the time of his appointment, the petitioner has passed S.S.L.C and underwent the two year craft instructors course and after his appointment in February 1989, he had obtained graduation degrees in



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Tamil (May 1993), graduation in English (May 2010), B.Ed., in May 1993 and post graduation in Tamil (May 1998). He has also passed the departmental examinations.

2.1. This being so, at the time of appointment, Secondary Grade Teachers and full time Prevocational Instructors are placed in the same time scale of pay. For the purpose of appointment for the post of full time prevocational teachers, the candidates should have passed S.S.L.C and two year Craft Instructors' Course Certificate in Wood works. As per the proceedings dated 05.02.1980 in L.Dis.No.17607Ki/80 of the Director of School Education, it has been declared that the candidates possessing the above certificate shall be treated on par with the Teacher Training Certificate. Hence, the petitioner is qualified to be on par with a person having a Teacher Training Certificate.

2.2. The petitioner and one Mr.N.Raja had completed their two years craft instructors' course and got their appointment as Prevocational Instructors in February 1989. Thereafter, the petitioner has obtained B.Ed.



degree in May 1995 and Mr.N.Raja had obtained the same degree much later, which is a requisite qualification for promotion as B.T.Assistant. This being so, the said N.Raja had been promoted as B.T.Assistant, however, the petitioner has not been given any promotion. Hence, the petitioner addressed a letter dated 14.09.2009 to the second respondent and requested to consider him for promotion, which was also received by him on 16.09.2009 and the same was filed by the petitioner in the typed set of papers. However, till date, no action has been taken by the second respondent. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to consider the petitioner's representation (letter) dated 14.09.2009 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed by this Court.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's representation (letter) dated 14.09.2009 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

10.01.2024

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Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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