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W.P.No.5898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM:

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

W.P.No.5898 of 2024

Sivakumar

... Petitioner

-Vs-

1. The State of Tamil Nadu
represented by its Secretary to Government,
Education Department,
Fort St.George, Chennai – 600 009.
2. The Director of Elementary Education,
D.P.I.Building, Chennai – 600 006.
3. The District Education Officer (Elementary),
Dharmapuri, Dharmapuri District.
4. The Block Education Officer (Elementary),
Palacode Block, Dharmapuri District – 636 808.
5. V.Poongothai
6. A.Irudhayaraj
7. S.Arokiyasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to consider the representation made by the petitioner on 03.03.2023 and 05.12.2023 and to promote the petitioner as Primary School Head master in Panchayat Union Primary School, Palacode Block, as per the seniority in the



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Palacode Block wise seniority List dated 01.01.2018 and place the petitioners name in the appropriate position according to the seniority in the State Level Seniority List dated 31.12.2022 and pay back all service and monetary benefits including salary.

For Petitioner : Mr.Charles Muthusanthan

For R1 to R4 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the third respondent to consider the representation made by the petitioner on 03.03.2023 and 05.12.2023 and to promote the petitioner as Primary School Head master in Panchayat Union Primary School, Palacode Block, as per the seniority in the Palacode Block wise seniority List dated 01.01.2018 and place the petitioners name in the appropriate position according to the seniority in the State Level Seniority List dated 31.12.2022 and pay back all service and monetary benefits including salary.

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



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3. The petitioner was initially appointed as Secondary Grade Teacher on 25.10.2004 at Panchayat Union Elementary School, Kendahalli, Dharmapuri District. Due to family dispute, a complaint was lodged as against the petitioner and also initiated disciplinary proceedings, due to which he was suspended from service. Subsequently, the petitioner was served with a charge memo and now, the suspension order as well as the disciplinary proceedings has been completed. Therefore, the petitioner submitted a representation seeking promotion.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the disciplinary proceeding has been completed only on 19.02.2021 and whenever any vacancy arise, the promotion of the petitioner will be considered as per his seniority.

5. In view of the above, the third respondent is directed to consider the request made by the petitioner, if he is eligible to the post of Primary School Head Master as per his seniority and depends upon any disciplinary proceeding pending against him.



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6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

07.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J,

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