



W.P.No.6634 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.6634 of 2020
and
WMP.No.78665 of 2020

D.Gajalakshmi

...

Petitioner

Vs.

1. The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Nagapattinam,
Nagapattinam District.
3. The Assistant Elementary Educational Officer,
Vedaranyam, Nagapattinam District.
4. The Secretary,
Vinayakar Aided Primary School,
Pandarathankadu, Pushpavanam Post,
Vedaranyam Taluk,
Nagapattinam District.
5. Mrs. K. Chithra,
W/o. Kannadasan, Secondary Grade Teacher,
Vinayakar Aided Primary School,



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Pandarathankadu,
Pushpavanam Post,
Vedaranyam Taluk,
Nagapattinam District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a WRIT OF MANDAMUS, directing the respondents 1 to 4 to promote the petitioner as Headmaster of 4th respondent school based on the petitioner's seniority and eligibility in pursuance of petitioner's representation dated 20-06-2019 forthwith.

For Petitioner : Mr.R.Prabakaran

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader for RR1 to 4

: Mr.S.N.Ravichandran for R5

ORDER

Heard, Mr.R.Prabakaran, learned counsel for the petitioner, Mr. P. Gurunathan learned Additional Government Pleader for the respondents 1 to 4 and Mr.S.N.Ravichandran, learned counsel for the 5th respondent and perused the materials available on record.

2. The petitioner has filed a writ of mandamus directing respondents 1 to 4 to promote the petitioner as Headmaster of the 4th respondent's school based on



the seniority and eligibility. The petitioner has given a representation in this regard on 20-06-2019. However, it is now learnt that the 4th respondent has already appointed the 5th respondent as Headmaster on 01.06.2019 and the proposal is pending with the 2nd respondent for approval. So the petitioner has not challenged the above order but simply filed this Writ of Mandamus.

3. The petitioner submits that he is senior to the 5th respondent, but her seniority has not been considered.

4. It is submitted by Mr. P. Gurunathan, learned Additional Government Pleader for the respondents 1 to 4 submitted that 17 (b) charges are pending against the petitioner and that the promotion cannot be claimed as a matter of right and it is based only on seniority.

5. However, nothing would prevent the petitioner from invoking the statutory appeal remedy available to her if the period of limitation is not expired. Even in cases of expiry of limitation, it is up to the petitioner to file a petition to condone the delay, along with an appeal and get appropriate orders from the



Appellate Authority.



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In the result, this Writ Petition stands **dismissed**. No costs. Consequently,
the connected miscellaneous petition is closed.

27.02.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

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R.N.MANJULA, J.
jrs

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