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W.P.No.38121 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.11.2023

PRONOUNCED ON : 03. 04.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.38121 of 2015

P. Ashokan

... Petitioner

Vs.

The Director of Social Defence,
No.300, Purasaiwalkam High Road,
Chennai-600 010.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus to direct the respondent to promote the petitioner as Superintendent from the year 2013.

For Petitioner : M/s.S.Ilamvaludhi

For Respondent : M/s.C.Sangamithirai
Special Government Pleader

ORDER

This Writ Petition is filed seeking for a direction to the respondent to



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promote the petitioner as Superintendent from the year 2013.

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2. The brief facts as per the affidavit enclosed in this Writ Petition are that the petitioner joined the service as House Master / Secondary Grade Teacher on 22.11.1983 and promoted as Tamil Pandit on 03.09.2007 and as Middle School Head Master on 18.10.2010.

3. As per G.O.Ms.1678 Social Department dated 25.09.1979 there are two methods for promotion to the post of Superintendents, by direct recruitment and the other one is by recruitment by transfer. The respondent vide proceedings No. 7392/A1/2013-1 dated 29.07.2013 published two lists, out of which, one list includes Assistant Superintendents names, who were eligible to be promoted as Superintendents and other list includes eligible Head Masters of the Middle School qualified to be appointed as Superintendent.

4. Learned counsel for the petitioner has submitted that the petitioner's name was included in the list to be promoted from Head Master to the post of Superintendent. However, the list of the Head Masters to be promoted to the post of Superintendent has not been considered, instead considered the list of the Assistant Superintendent fit to be promoted as Superintendent.



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WEB COPY 5. Learned counsel for the petitioner has submitted that the petitioner has given representations on 25.03.2014 and 13.10.2014 but there was no response, therefore he filed WP No.4962 of 2015 and the same was disposed of on 19.10.2023. However, the Government appointed the Superintendent by way of direct recruitment through Tamil Nadu Public Service Commission. Subsequently, the petitioner was promoted on 09.10.2015 vide proceedings No.9749/A1/2015 under Rule 39(a)/a of General Rules temporarily, thereby his emolument and promotional opportunities were denied, hence seeks for suitable relief.

6. It is seen from the record that the petitioner was promoted temporarily on 09.10.2015 vide proceedings No.9749/A1/2015 under Rule 39(a)/1 of General Rules. In fact since 2013, the promotion to the petitioner was due for which the petitioner has submitted many representations including the representation dated 19.08.2014.

7. The post of Head Master is not classified as one of the feeder category for promotion of Superintendent. However, in G.O.Ms.322 Backward Classes Welfare, Nutritious Meal Programme and Social Welfare



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Department dated 03.04.1989, it is mentioned as follows:

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- i) Direct recruitment; or
- ii) Transfer from among the Assistant Superintendent or Headmasters of Middle Schools of approved schools; or
- iii) Promotion from the Secondary Grade Teachers or House Masters of the service who have been secondary grade Teachers or House masters, for atleast three years.

8. The promotion to the post of Superintendent was not considered as per G.O.Ms.322 Backward Classes Welfare, Nutritious Meal Programme and Social Welfare Department dated 03.04.1989. Proceedings No.7392/A.1/2013-1 dated 29.07.2013 were issued in respect of eligible persons to be appointed to the post of Superintendent. In the said list, names of nine persons were included, and in the reference column of G.O.Ms.No.322, Backward Classes Welfare, Nutritious Meal Programme and Social Welfare Department dated 03.04.1989, names of the Headmasters who were eligible to be promoted as Superintendent were not included. On the very same day ie., on 29.07.2013 another list was published including names of eligible Headmasters of the Middle School qualified on 15.02.2013 for appointment of post of Superintendent. In the said list, names of eight



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persons, including the petitioner were included at Sl.No.3. In the said list of 8 persons Sl.No.1 and 2 namely Tmt.J.Pugalarasi and Tmt.R.Rani stated to have relinquished their rights to be promoted as Superintendent, thereby the petitioner who was at Sl.No.3 has become senior most person to be promoted as Superintendent. The petitioner has filed Writ Petition No.2765 of 2013 to promote him as Superintendent as per panel dated 29.07.2013. On 07.10.2013, the said Writ Petition came to be disposed of directing the respondent to appoint the petitioner as Superintendent.

9. In view of the above, this Writ Petition is disposed of directing the respondents to dispose of the representation of the petitioner dated 19.08.2014 as quickly as possible, not later than six months from the date of receipt of copy of this order. No costs.

03.04.2024

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Index:Yes/No

Neutral Citation: Yes/No



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Dr.D. NAGARJUN, J.

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To
The Director of Social Defence,
No.300, Purasaiwalkam High Road,
Chennai-600 010.

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