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W.P.No. 13044 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 13044 of 2018

and

W.M.P.No. 15326 of 2018

M. Manoharan

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep., by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai – 600 006.

3.The Joint Director of School Education,
(Higher Secondary)
College Road, Chennai – 600 006.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to implement the G.OMs.No.525, School Education (D1) Department, dated 29.12.1997 by upgrading the petitioner to the post of Physical Director since 29.12.1997 on par the petitioner in W.P.No.21191/2012 dated 10.07.2014 with all attendant benefits along with arrears of salary and pension.



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W.P.No. 13044 of 2016

For Petitioner : Mr. J. Selvarajan
For Respondents : Mr. V. Manoharan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of writ of mandamus to direct the respondents to implement G.O.Ms.No.525, School Education (D1) Department dated 29.12.1997 by upgrading the petitioner to the post of Physical Director since 29.12.1997 with all attendant benefits along with arrears of salary and pension.

2. Heard, the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that he has been working as Physical Education Teacher at Government Higher Secondary School, Kalambur, Tiruvannamalai District and retired from service in the month of May 2016. He is entitled to be upgraded to the post of Physical Director as per G.O.Ms.No.525, School Education (D1) Department dated 29.12.1997. However, his request has not been considered by the respondents so far. Against the illegal and arbitrary action of the respondents, the petitioner filed this writ petition.



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4. On behalf of the respondents, a counter affidavit has been filed. It is averred in the said counter that the G.O.Ms.No.525, dated 29.12.1997, was issued for the purpose of revision of norms for assessment of grant of teaching posts in the recognised private schools / aided private schools. As such, the petitioner is not entitled for seeking relief as per G.O.Ms.No.525 for upgradation as Physical Director.

5. Learned counsel for the petitioner and the learned Additional Government Pleader for the respondents advanced their arguments based on the averments made in the affidavit of the petitioner and counter affidavit of the respondents.

6. On perusal of G.O.Ms.No.525, it appears that it was issued for the purpose of fixation of staff strength in Elementary / Higher Secondary Schools governed by the state aid.

7. Admittedly, the petitioner worked in the Government School and retired. However, at the stage, the learned counsel for the petitioner contends that the petitioner had submitted a representation dated 15.03.2018 to the respondents and it is not considered so far and he further contends that non consideration of his



representation and not passing any orders is illegal and unjust.

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8. On the other hand, the learned Additional Government Pleader appearing for the respondents submit that though a copy of the representation dated 15.03.2018 is filed as material paper along with this writ petition, there is no acknowledgement to prove that the representation is submitted to the respondents really.

9. Under these circumstances, in the considered opinion of this Court, it is appropriate to dispose of this writ petition without going into the merits of the case with a direction to the respondents to dispose of the representation dated 15.03.2018 of the petitioner, if really it received by the respondents within a period of three months from the date of receipt of copy of this order by following due process of law. If that representation is not received by the respondents, the petitioner is permitted to submit a copy of the representation afresh to the respondents to meet the interest of justice.

10. Accordingly, this Writ Petition is disposed of directing the respondents to consider and pass appropriate orders on the representation submitted by the petitioner by following due process of law within a period of three months from the



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date of receipt of copy of this order.

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11. Consequently, connected miscellaneous petition is closed.

12. There shall be no order as to costs.

23.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Secretary to Government,
State of Tamil Nadu
School Education Department,
Secretariat, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai – 600 006.

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BATTU DEVANAND, J.

AT

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