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W.P.No.16101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.16101 of 2024

and

W.M.P.Nos.17625 and 17626 of 2024

B.C.Lakshmi

... Petitioner

Vs.

1.The Director of Elementary Education,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road,
Chennai – 600 006.

2.The District Educational Officer (Elementary),
Hosur Educational District,
Krishnagiri District.

3.The Block Educational Officer,
Thali Union,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner for promotion to the post of Middle School Headmaster in the existing vacancy at Pennangur Panchayat Union Middle School or at Doddabilimudhirai Panchayat Union Middle School, Thali Union, in



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modification of the proceedings of 2nd respondent in Na.Ka.No.3179/A3/2023 dated 21.05.2024 (served on the petitioner on 10.06.2024), in consideration of representation submitted by the petitioner dated 14.05.2024.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

The writ petition is filed to direct the respondents to consider the petitioner for promotion to the post of Middle School Headmaster in the existing vacancy at Pennangur Panchayat Union Middle School or at Doddabilimudhirai Panchayat Union Middle School, Thali Union, in modification of the proceedings of 2nd respondent in Na.Ka.No.3179/A3/2023 dated 21.05.2024 (served on the petitioner on 10.06.2024), in consideration of representation submitted by the petitioner dated 14.05.2024.

2. Considering the special circumstances, in which, the petitioner was



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transferred out of the Union and was transferred back and she lost the promotional opportunity, in the earlier Writ Petition in W.P.No.32983 of 2023 filed by the petitioner herself by an order dated 22.11.2023, this Court had directed the respondents to consider her representation dated 07.07.2021 on merits and in accordance with law, so as to restore her original seniority. That representation is now considered favorably and she has been granted promotion by an order dated 21.05.2024. Now, the petitioner wants modification of that order with reference to the place of posting.

3. It is trite that the petitioner does not have rights to ask for a particular place of posting. When the petitioner has been given promotion, the same cannot also be directed to be modified by this Court and as such she has to join and work in the school, in which, she is posted. However, since by a representation, in which is pointed out that there are vacancies in the other schools of her choice, the same can only be treated as a request for transfer to a willing place. As and when the general transfer is taken up depending on the vacancy position at that relevant point of time subject to request seniority and rules, the respondents can consider the same and pass orders thereon and in accordance with law.



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4. This writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

21.06.2024

Neutral Citation: No
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To

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D.BHARATHA CHAKRAVARTHY, J.

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and

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