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W.P.No.22911 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.22911 of 2021

R.Jayarathina Gandhi

...

Petitioner

versus

1.State of Tamil Nadu,

Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Commissioner of School Education,

DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director of School Education (Higher Secondary),

DPI Campus, College Road,
Chennai - 600 006.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pass orders on the proposal submitted by the Director of Elementary Education in Na.Ka.No.2981/A1/2018 dated 13.11.2018, enclosed with petitioner's representation dated 07.11.2018 and to grant promotion to the petitioner in the post of P.G. Assistant (Tamil) on inclusion of his name in 2013 panel based on eligibility and seniority as on 01.01.2013 as well as the orders passed by the Hon'ble Supreme Court of India in the matter of reservation for persons with disabilities for promotion, passed in *State of Kerala vs.*



Lesamma Joseph reported in **2021 SC 273**, with consequential and other attendant benefits.

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For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The petitioner has filed this petition seeking for a writ of mandamus, directing the respondents to pass orders on the proposal submitted by the Director of Elementary Education, dated 13.11.2018 and grant promotion to the petitioner in the post of P.G. Assistant (Tamil) on inclusion of his name in 2013 panel based on his eligibility and seniority as on 01.01.2013 as well as the order passed by the Hon'ble Supreme Court passed in **State of Kerala vs. Lesamma Joseph** reported in **2021 SC 273**, with consequential and other attendant benefits.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner, Mr.R.P.Murugan Raja, learned Government Advocate for the respondents and perused the materials available on record.



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3. Mr.S.Nedunchezhiyan, learned counsel for the petitioner submitted that the petitioner's name has been included in the promotional panel list as on 01.01.2013 and has been given with the promotion on 07.02.2021 and presently, he is functioning as P.G.Assistant. In this regard, the District Educational Officer, Ambattur, has sent a recommendation to the Chief Educational Officer, Tiruvallur, to regularise the services of the petitioner in the cadre of P.G.Assistant from 01.01.2013 along with monetary benefits.

4. Mr.R.P.Murugan Raja, learned Government Advocate for the respondents submitted that the third respondent also admitted that the petitioner's name has been included in the panel list as on 01.01.2013 for promotion under the reserved category of Ministry of Service but he stands in Serial No.59.

5. The fact remains that the petitioner has already been promoted on 07.02.2021 and the proposal from the District Educational Officer, Ambattur, is also pending with the Chief Educational Officer, Tiruvallur. Unless the proposal of the District Educational Officer, Ambattur, is



considered and any order is passed, the merits of the submission of the learned counsel for the petitioner cannot be taken up for consideration now.

In this regard, the petitioner has given his representation as early as on 07.11.2018 to the respondents 1 and 2. Hence it is upto the respondents 1 and 2 to call for the relevant files from the Chief Educational Officer, Tiruvallur and consider the matter and pass appropriate orders, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is **disposed**. No costs.

02.01.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Commissioner of School Education,

4/6



DPI Campus, College Road,
Chennai - 600 006.

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

4.The Chief Educational Officer,
Tiruvallur.

5.The District Educational Officer,
Ambattur.



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R.N.MANJULA, J.

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