



WEB COPY



W.P.No.24908 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24908 of 2021 and
W.M.P.Nos.26213 & 26214 of 2021

K.Nandhakumar

... Petitioner

Vs.

1.The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006.

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

3.The Chief Educational Officer,
Kallakurichi District, Kallakurichi.

4.The District Educational Officer,
Ulundurpet Educational District,
Kallakurichi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.No.17059/W3/E1/2021 dated 05.08.2021 and to quash the same and consequently direct the respondents to pass orders granting



W.P.No.24908 of 2021

promotion to the petitioner to the post of P.G.Assistant (History) on inclusion of his name in the panel for promotion to the post of P.G.Assistant (History) 2% reserved vacancies for Ministerial Staff in School Education Department by preparing year wise panel from the year 2019-20 and to promote the petitioner on par with juniors in accordance with seniority, with all consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.R.Neethiperumal, GA

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.No.17059/W3/E1/2021 dated 05.08.2021 and to quash the same and consequently direct the respondents to pass orders granting promotion to the petitioner to the post of P.G.Assistant (History) on inclusion of his name in the panel for promotion to the post of P.G.Assistant (History) 2% reserved vacancies for Ministerial Staff in School Education Department by preparing year wise panel from the year 2019-20 and to promote the petitioner on par with juniors in accordance with seniority, with all consequential and other attendant benefits.



W.P.No.24908 of 2021

WEB COPY

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.R.Neethiperumal, learned Government Advocate for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner was promoted from the post of Junior Assistant to Assistant on 26.12.2020 and was relieved from the post of Junior Assistant on 31.12.2020. He joined as Assistant on 08.01.2021. The petitioner submitted a representation to the respondents for inclusion of his name in the panel prepared for promotion to the post of P.G.Assistant. His representation was rejected on the ground that for the purpose of getting included in the list of ministerial staff as on 01.01.2021, eligible for promotion to P.G.Assistant, the petitioner had not completed the probation in the post of Assistant. The approved panel is in respect of a crucial date 01.01.2019. But in the panel as on 01.01.2021, the eligible persons have been included. Had the petitioners joined immediately on the next date of his relieving, probably he would found himself included in the list prepared as on 01.01.2021.



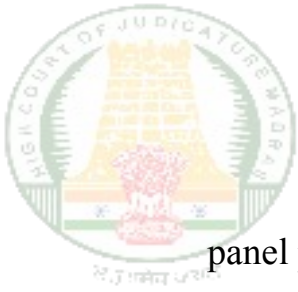
W.P.No.24908 of 2021

WEB COPY

4. However it is submitted by the learned Government Advocate for the respondents that on 01.01.2021, the petitioner could not have been considered for inclusion in the list, because his probation was not declared in the cadre of Assistant.

5. The learned counsel for the petitioner attracted the attention of this Court to the order of regularisation given in favour of the petitioner vide proceedings dated 11.03.2023 in Moo.Mu.No.047768/A4/E3/2022. It is seen from the said proceedings that the petitioner's service in the cadre of Assistant has been regularised as on 30.04.2013. Had this proceedings were passed before 01.01.2021, the petitioner would have got the benefit of getting included in the approved panel as on 01.01.2021 for promotion. As on today, the petitioner is eligible to be included in the panel for promotion to the post of P.G. Assistant under 2% category, provided he has the other eligibility criteria for the said post.

6. The petitioner claims that one A.Pappa who is in Serial No.75 in the panel list has been promoted on 06.02.2021 based on the promotion



W.P.No.24908 of 2021

panel prepared on 01.01.2021. A.Pappa had joined in the post of Assistant on 29.01.2020. Even though the petitioner's service in the cadre of Assistant had got regularised with effect from a retrospective date of the year 2013, the petitioner was not included in the panel. Since the petitioner had acquired the required qualification to be included in the panel list by virtue of the proceedings dated 11.03.2023, I feel it is appropriate to direct the respondents to consider the representation of the petitioner and pass appropriate orders for inclusion of the petitioner in the panel and promote him to the post of P.G.Assistant on par with his juniors.

7. In the result, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner and pass appropriate orders by including the petitioner in the panel for promotion to the post of P.G.Assistant and promote him to the post of P.G.Assistant with notional impact on par with his juniors and with monetary benefit from the date of promotion, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.



W.P.No.24908 of 2021

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Index : Yes /No
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Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.



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