



WEB COPY

W.A.No.3010 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.3010 of 2021

and

C.M.P.No.20644 of 2021

1.The Director of College Education,
College Road, Nungambakkam,
Chennai – 600 006.

2.The Joint Director of Collegiate Education,
(Administration),
College Road, Chennai – 600 006.

... Appellants

Vs.

1.S.E.Suresh

2.Tmt.S.Kalpana

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow the writ appeal and to set aside the order dated 17.08.2021 made in W.P.No.31712 of 2019 on the file of this Court.



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For Appellants : Mr.D.Ravichandran
Special Government Pleader
[Higher Education]

For R1 : Mr.V.Ajoy Khose

For R2 : Mr.S.Vinoth Kumar

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The facts are not in dispute. The 1st respondent Mr.S.E.Suresh / writ petitioner was notionally promoted to the post of Assistant with effect from 24.06.2005. Subsequently, he was promoted as Superintendent with effect from 20.03.2013. One Smt.S.Kalpana was promoted as Superintendent on 05.12.2013 subsequently after the promotion of the writ petitioner. Thus, the seniority of the petitioner in the post of Assistant and Superintendent was placed above the said Smt.S.Kalpana.

2. The 1st respondent was appointed to the post of Junior Assistant on compassionate grounds. His probation was declared on completion of two years of probation period on 24.02.2009 vide G.O.Ms.No.29, High Education



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Department. Since there was a delay in sending the 1st respondent to undergo Bavani Sagar Training, his promotion was delayed. Such an administrative delay cannot be a ground to deny promotion to the 1st respondent on par with his juniors, who were promoted to the post of Assistant and Superintendent earlier to his promotion.

3. In the present case, there was an administrative delay in declaring the probation of the petitioner and to regularise his services in the initial post from the date of his appointment. However, the services of the 1st respondent was regularised with effect from his initial date of appointment. That being so, he is entitled for all consequential service benefits. There is no impediment to consider the name of the 1st respondent for promotion to the post of Assistant and Superintendent. Thus, the Writ Court has rightly granted the relief in favour of the 1st respondent to promote him on par with his junior with retrospective effect.

4. With reference to the seniority, the name of the 1st respondent has been rightly placed above the name of Smt.S.Kalpana, since the said Smt.S.Kalpana was promoted as Superintendent on 05.12.2013, but the 1st respondent was promoted to the post of Superintendent with effect from



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20.03.2013 as a remedial measure.

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5. Thus, we do not find any infirmity in respect of the relief granted by the Writ Court in favour of the 1st respondent. Consequently, the Writ Appeal stand dismissed. No costs. Connected Miscellaneous Petition is closed.

[S.M.S., J.] [C.K., J.]
24.06.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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and
C.KUMARAPPAN, J.

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