



W.P.No.7713 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

**W.P.No.7713 of 2017
and W.M.P.No.8428 of 2017**

P.Sharmila Mary Clotilda

...Petitioner

Vs.

1. The District Elementary Educational
Officer, Nagapattinam,
Nagapattinam District.

2. Mr.O.Devendiran,
Secondary Grade Teacher,
Panchayat Union Elementary School,
Thehi, Nagapattinam Block,
Nagapattinam.

...Respondents

PRAYER: The Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Na.Ka.No.1261 of 2016 dated 06.5.2016, quash the same and direct the respondent to include the petitioner's name in the promotion panel for the post of B.T Assistant (English) as on 01.01.2016 at the appropriate place with regard to her seniority and grant her all consequential benefits.



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For Petitioner : Mr.P.Manoj Kumar
For R1 : Mr.S.Prabhakaran, GA
For R2 : No appearance

ORDER

The Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent vide Na.Ka.No.1261 of 2016 dated 06.5.2016, quash the same and direct the respondents to include the petitioner's name in the promotion panel for the post of B.T Assistant (English) as on 01.1.2016, at the appropriate place with regard to her seniority and grant her all consequential benefits.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent. Though the second respondent is served and his name is printed in the cause list, there is no appearance.



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3. The petitioner was working as Secondary Grade Teacher at the Panchayat Union Middle School, South Poigainallur, Nagapattinam District. She was appointed as the Secondary Grade Teacher on 08.10.2024. She passed her B.Lit. examination in the year 2006 and further she obtained the B.Ed. decree on 12.3.2013. Thereafter, the petitioner applied for permission to study B.A.(English) through correspondence course. The Additional Assistant Elementary Educational Officer, Nagapattinam granted permission to the petitioner subject to the conditions contained in the order dated 23.5.2013 in Na.Ka.No.698/A3/201.

4. The petitioner, in anticipation of the permission, applied for B.A.(English) course through correspondence conducted by Annamalai University and thereafter she was admitted for that course on 17.4.2013. The University issued confirmation of admission letter on 17.4.2013, itself. Subsequently, the petitioner passed B.A.(English) course in June 2015 and since she passed B.A.(English), along with B.Ed., she was eligible for promotion to the post of B.T Assistant (English). Though the petitioner was eligible for appointment to the post of B.T.Assistant (English) as on

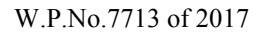


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01.1.2016, her name was not included in the panel list, but the names of her juniors were included in the panel list. Hence, the petitioner submitted a representation to the District Elementary Educational Officer, Nagapattinam, namely the first respondent. The first respondent by the impugned order rejected her representation. Aggrieved by the same, the petitioner has filed the writ petition for the aforesaid relief.

5. The first respondent filed a detailed counter stating that as against the impugned order of the first respondent, the petitioner already preferred a statutory appeal before the Joint Director of Elementary Education, Chennai, who, in turn, vide order dated 02.8.2016 in R.C.No. 17566/2016, rejected the petitioner's appeal. Instead of challenging the said order dated 02.8.2016, passed by the Joint Director of Elementary Education, Chennai, the petitioner filed the present writ petition and so the same should not be entertained.

6. The learned counsel for the petitioner submitted that the copy of the order passed in the appeal dated 02.8.2016, by the Joint Director was not



7. On the other hand, the learned Government Advocate appearing for the first respondent submitted that even as per order dated 02.8.2016, passed by the Joint Director, Elementary Education, Chennai, a copy was marked to the petitioner and hence, the submission of the learned counsel for the petitioner cannot be countenanced.

8. I have carefully considered the submissions of the learned counsels on either side and perused the materials available on record.

9. As there is a factual dispute as to the service of the order dated 02.08.2016, without going into the merits of the matter, I am of the view that an opportunity should be given to the petitioner to challenge the order, dated 02.8.2016 passed by the Joint Director of Elementary Education, Chennai.



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10. Accordingly the Writ Petition is disposed of granting liberty to the petitioner to challenge the order dated 02.8.2016 passed by the Joint Director of Elementary Education, Chennai vide proceeding in RC.No. 17566/D2/2016. Consequently, the connected WMP is closed. No costs.

22.10.2024

Index : Yes/No
Neutral Citation : Yes/No

To

1.The District Elementary Educational
Officer, Nagapattinam,
Nagapattinam District.

2.The Joint Director of Elementary
Education, Chennai.

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N.MALA, J

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