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W.P.No.33677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33677 of 2024

W.M.P.No.36461 of 2024

G.Arun Bharath

...Petitioner

Vs

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

2. The Chief Educational Officer,
Presidency Girls Higher Secondary
School Campus,
Egmore, Chennai - 600 008.

3. The District Educational Officer (Secondary)
Chennai North,
SIDCO Nagar, Villivakkam,
Chennai - 600 049.

4. The Diocesan Education Officer and Convenor,
Board of Higher Education,
CSI Diocese of Madras,
The Diocesan Office,
P.B.No.4914, Chennai - 600 086.

5. The Correspondent,
CSI St.Paul's Higher Secondary School,
Vepery, Chennai 600 007.



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6.R.K.Alwin Durai
Physical Education Teacher (Std. 6 to 8)
CSI St.Paul's Higher Secondary School,
Vepery, Chennai - 600 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 2 and 3 to pass orders on the representation/objection submitted by the petitioner dated 26.06.2024 made against the promotion of 6th respondent to the post of Physical Director Gr.II and consequently direct the 5th respondent to permit the petitioner to continue to work as Physical Director Gr.II in the 5th respondent School based on the order of promotion issued by the 4th respondent in No.Nil dated 20.09.2023, by calling for necessary proposal from the 5th respondent school, within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mrs.S.Mythreye Chandru for R1 to R3
Special Government Pleader
R4 and R5-served-No representation
R6-not ready in notice

ORDER

The petitioner has filed this writ petition to issue a Writ of Mandamus to direct the respondents 2 and 3 to pass orders on the representation/objection submitted by the petitioner dated 26.06.2024 made against the promotion of 6th respondent to the post of Physical



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Director Gr.II and consequently direct the 5th respondent to permit the petitioner to continue to work as Physical Director Gr.II in the 5th respondent School based on the order of promotion issued by the 4th respondent in No.Nil dated 20.09.2023, by calling for necessary proposal from the 5th respondent school, within the time frame to be fixed by this Court.

2. The case of the petitioner is that the petitioner was selected and appointed as Physical Education Teacher (P.E.T.) in CSI Rajagopal Higher Secondary School, Royapuram, Chennai vide appointment order dated 10.07.2012 issued by the 4th respondent and his appointment was duly approved by the District Educational officer, Chennai East vide proceedings dated 10.01.2013. Thereafter, the petitioner was transferred to CSI St.Paul's Higher Secondary School, Vepery, Chennai vide order issued by the 4th respondent dated 02.01.2019 and he joined the present school on 03.01.2019. A vacancy to the post of Physical Director Gr.II arose in CSI St.Paul's Higher Secondary School, Vepery due to retirement of Thiru.V.Alexander Cornelius on 31.07.2023. Since the petitioner was working as P.E.T. in the 5th respondent school, he further qualified for promotion to the post of Physical Director Gr.II, based on the decision



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taken by the CSI Diocese of madras/ 4th respondent and issued order dated 20.09.2023 by promoting the petitioner to the post of Physical Director Gr.II. While so, the petitioner applied for the leave on 06.02.2024 on medical grounds since he was suffering from jaundice in the month of February 2024 and he submitted his leave letter dated 15.02.2024. At the time of submission of leave application, the 5th respondent stated that the leave letter ought to be given only in the post of P.E.T and not as Physical Director Gr.II by stating that his promotion is yet to be approved by the Department. After taking treatment, the petitioner reported duty on 25.04.2024 with fitness certificate. While so, he was informed that the 6th respondent has been promoted as Physical Director Gr.II in the month of February 2024 and hence, the petitioner should continue to work only as P.E.T. When the petitioner was on medical leave, the 5th respondent has issued order of promotion in favour of 6th respondent with effect from 20.02.2024, whereas, he was not furnished with copy of the order of promotion issued in favour of the 6th respondent. Hence, the petitioner submitted a representation/objection to the 3rd respondent on 27.08.2024. Apart from that, he has also submitted a representation to CSI Diocese of



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Madras on 26.06.2024 seeking to regularize his posting as Physical Director Gr.II, whereas, the same has not been considered by the respondents. Hence this petition.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the representation of the petitioner will be considered by the official respondents on its own merits and in accordance with law, within the time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 2nd and 3rd respondents to consider the representation of the petitioner dated 26.06.2024 on merits and in accordance with law and pass a speaking order within a period of twelve(12) weeks from the date of receipt of copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

msv

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V.BHAVANI SUBBAROYAN,J.

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