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W.P.No.35983 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P.No.35983 of 2024

S.Jeyasri

...Petitioner

Vs

1.The Director,
Directorate of School Education,
No.17, College Road, Subba Road Avenue,
Nungambakkam, Chennai - 600 008.

2.The Chief Education Officer,
Penniyar Road,
Manjakuppam, Cuddalore - 607 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the claim of the petitioner for promotion as BT Assistant by including her name in the panel of the year 2017 at par with her junior Tmt.Rosalee, notionally with all consequential service and monetary benefits in the light of the representations made by the petitioner dated 09.08.2024 and 16.11.2024 within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader



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ORDER

The petitioner has filed this writ petition to issue a Writ of Mandamus to direct the respondents to consider the claim of the petitioner for promotion as BT Assistant by including her name in the panel of the year 2017 at par with her junior Tmt.Rosalee, notionally with all consequential service and monetary benefits in the light of the representations made by the petitioner dated 09.08.2024 and 16.11.2024 within a reasonable time.

2. The case of the petitioner is that the petitioner has become fully qualified for consideration of her claim for promotion as BT Assistant in the panel of the year 2017 itself. But due to pending disciplinary proceedings and also currency of punishment, the claim of the petitioner for promotion has been deferred from the year 2017. The petitioner is married to one L.Ravichandran who is working in the Rural Development Panchayat Raj Department of Cuddalore District and he hails from a affluent family.

3.Learned counsel for the petitioner would submit that the petitioner was issued charge memo stating that after entering the service



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has purchased certain properties to the tune of Rs.6,69,997/-in her name out of her own income and also the amount received from the Government towards her share (gratuity amount) on account of the death of her father while he was in service and also from other legal sources and thereby, the petitioner has violated the Government Servants Conduct Rules and thereafter, charge memo was issued to the petitioner. Aggrieved by the same, the petitioner has filed a writ petition in W.P.No.22130 of 2013 and this Court vide order dated 11.04.2022 held that the procedure in the conduct of the oral enquiry contemplated under 17(b) of the TNCS (D&A) Rules has not been followed and hence, this Court modified the punishment into one of stoppage of increment for a period of one year without cumulative effect and the earlier punishment was quashed and also directed the respondent to implement the said order within a period of six weeks, but the same has not been implemented by the respondents. In the meantime, the petitioner's junior has been promoted as BT Assistant by including her name in the said panel and hence, the petitioner is also entitled to get promotion from that date. Therefore, the petitioner made representations to the respondents on 09.08.2024 and 16.11.2024, but the same has not been considered by the



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respondents till date. Hence this petition.

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

5. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the respondents to consider the representations of the petitioner dated 09.08.2024 and 16.11.2024 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.

6. With the above direction, the Writ Petition stands disposed of. No costs.

04.12.2024

Index:Yes/No

Speaking order/Non-speaking order

msv



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V.BHAVANI SUBBAROYAN,J.

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