



WP(MD)No.1160 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1160 of 2024

Dr.S.Sumathi

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Higher Education (II) Department,
Fort.St.George,
Chennai – 600 009.

2.The Commissioner of Technical Education,
Commissionerate of Technical Education,
Guindy,
Chennai – 600 025.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the the Respondent No.1 to dispose of the appeal petition dated 28.11.2023 preferred by the petitioner within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.N.Ramesh Arumugam

Government Advocate (Civil)



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ORDER

Mr.N.Ramesh Arumugam, learned Government Advocate (Civil) takes notice for the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts, which are necessary for the disposal of this Writ Petition, are as follows:-

3.(i)The petitioner completed B.E degree (Civil) in the year 1998 and M.E degree (Structural Engineering) in the year 2013 and Ph.D in the year 2022. He was appointed in the post of Assistant Professor on 27.03.2006 at Thanthai Periyar Government Institute of Technology, Vellore. Presently, the petitioner is working as Assistant Professor at Government College of Engineering, Thanjavur. The crucial date for the panel for promotion to the post of Associate Professor is 1st March 2023. However, the petitioner was not considered for the promotion to the post of Associate Professor in Government Engineering Colleges in the panel for the year 2021-2022. Vide proceedings dated 01.03.2023, the Commissioner of



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Technical Education sent a letter to all the Principals of the Government Engineering Colleges to furnish details of the eligible and qualified Assistant Professors, who are fit for promotion to the post of Associate Professor in all the Departments. The Principal of the petitioner's College has collected details and has sent a proposal including the petitioner's name.

3.(ii) However, instead of passing orders upon the proposals forwarded pursuant to the proceedings of the Commissioner of Technical Education dated 01.03.2023, the order granting temporary promotion was issued vide G.O.Ms.No. 120 Higher Education Department dated 18.04.2023. The petitioner's name was not included in the list of candidates, who were promoted, whereas several juniors's names were included in S.No.25 to 27 of the said list. The said temporary promotion has been issued even without any provisional panel calling for objection from the candidates.

3.(iii) The petitioner is entitled for promotion by placing above all his juniors namely Dr.T.Murugesan, Dr.V.Sathish Kumar, Dr.S.Paulin. Hence, the petitioner submitted an appeal petition to the 1st respondent on 28.11.2023 requesting to set aside G.O.Ms.No.120, Higher Education (II) Department dated 18.04.2023 and re-draw the promotion panel for the post of Associate Professor, Civil Engineering Department in the Government Engineering Colleges for the year 2023 by including the name of the petitioner and grant promotion to the post



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of Associate Professor, Civil Engineering Department. The same was not considered and hence, the present Writ Petition came to be filed.

4. Mr.N.Ramesh Arumugam, learned Government Advocate (Civil), on instructions, would submit that the petitioner ought to have submitted an appeal within 60 days from the date of issue of the order as per Rule in force. However, the petitioner gave a representation on 28.11.2023 i.e after a period of seven months from the date of order. Hence, the appeal cannot be considered.

5. However, the learned counsel for the respondent further submitted that immediately on the date of issuance of G.O.Ms.No.120, Higher Education (II) Department dated 18.04.2023, the objections from the aggrieved candidates were received by the Principal of Colleges and were handed over to the 2nd respondent without any lapse of time.

6. Recording the submission of the learned Government Advocate, without going into the merits of the case, this Court directs the 1st respondent to pass appropriate orders in accordance with law on the petitioner's appeal petition dated 28.11.2023 within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Internet : Yes/No

CM

To,

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L.VICTORIA GOWRI, J.

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