



W.P.(MD).No.2003 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2003 of 2024

B.Sivarajanjani

... Petitioner

Vs.

1.The Principal Secretary to the
Government,
Higher Education (I1) Department,
Fort.St.George,
Chennai-600 009.

2.The Commissioner of Technical
Education,
Directorate of Technical Education,
Guindy,
Chennai-600 025.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose of the application submitted by the petitioner dated 24.04.2023 and promote the petitioner to the post of Associate Professor, Department of



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Computer Science Engineering with effect from 18.04.2023 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to dispose of the application submitted by the petitioner dated 24.04.2023 and promote the petitioner to the post of Associate Professor, Department of Computer Science Engineering with effect from 18.04.2023 within the time period stipulated by this Court.

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 is as follows:-



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(i) The petitioner was appointed in the Post of Assistant Professor on 25.04.2013 at Government College of Engineering, Bargur and she is presently working as Assistant Professor at Government College of Engineering, Bodinayakanur, Theni District. The petitioner was with a fond hope that she will be included in the Promotion Panel for the Post of Associate Professor, Computer Science Engineering in view of her seniority. That the crucial date for promotion for the post of Associate Professor was reckoned as 01.03.2022. The petitioner is fully qualified and eligible for inclusion in the Panel. The details of the eligible and qualified Assistant Professors who are fit for promotion to the post of Associate Professor in all the Departments were not properly collected from the Colleges and without issuing any provisional panel for promotion to the post of Associate Professors in Computer Science Engineering Department, seeking objections, the 1st respondent has straightaway issued the Government Order in G.O.(Ms).No.130 Higher Education (11) Department, dated 18.04.2023 granting promotion to the candidates in the post of Associate Professor, Computer Science Engineering Department in which the petitioner's name was not included.



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(ii) Since the said Promotion Order was directly issued by the 1st respondent, the petitioner is seriously prejudiced. Hence, immediately on 24.04.2023, she made an application through proper channel to the 1st and 2nd respondents seeking inclusion of her name pointing out that her name has been erroneously omitted and also requested for grant of promotion to the post of Associate Professor. However, the same has not been considered till date. Hence, this Writ Petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials available on record.

5. The learned Government Advocate appearing for the respondents on instructions has submitted that the petitioner completed her Ph.D Degree after the crucial date for promotion.



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6. However, a perusal of the notification for Ph.D Public Viva-voce Examination would reveal that the petitioner had attended viva-voce examination on 28.07.2021 and the decree of Doctor of Philosophy issued her in the year 2021.

7. In view of the same, this Court hereby directs the 1st respondent to dispose of the application submitted by the petitioner dated 24.04.2023 duly verifying all the original educational certificates of the petitioner and pass appropriate orders in accordance with law. The said exercise shall be done within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands disposed of. No costs.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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