



W.M.P.(MD). No.4898 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

W.M.P.(MD). No.4898 of 2024

in

W.P.(MD).No. 10629 of 2021

S. Christy Hem Leena

... Petitioner/ Petitioner

Vs

- 1 The State of Tamilnadu
Rep by its Secretary
Higher Education Department
Fort St.George Chennai - 600009.
- 2 The Director of Collegiate Education,
College Road, Chennai - 600006.
- 3 The Joint Director of Collegiate Education
Palayamkottai - 627002
Tirunelveli District
- 4 The Secretary
St.Xaviers College (Autonomous)
Palayamkottai - 627002
Tirunelveli District
- 5 S.P. Raja,
Junior Assistant
St.Xaviers College (Autonomous)
Palayamkottai - 627002
Tirunelveli District

... Respondents/ Respondents



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WMP(MD). No.4898 of 2024:- This Petition is filed under Article 226 of the Constitution of India, praying this Court to modify the order made in W.P.(MD) No. 10629 of 2021 dated 16.06.2023 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

WP(MD). 10629/ 2021 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th respondent in Ref.No.1G-4/NTS/LA/JA/17/2019 dated 01/07/2019 and the consequential order passed by the 2nd respondent in his proceedings in Na.Ka.No.16320/F4/2020 dated 23-02-2021 insofar as the petitioner is concern and quash the same and direct the respondents to promote the petitioner as Junior Assistant from the date on which the 5th respondent was appointed i.e. On 01/07/2019 with all consequential benefits including pay and allowances and continuity of service in the promoted post.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. V. Panneer Selvam, Advocate for the Petitioner, Mr. D. Gandhiraj, Special Government Pleader for the respondents 1 to 3 and Mr.P. Muthuvel, Advocate for the respondents 4 and 5, this Court made the following order:

The petitioner filed W.P(MD)No.10629 of 2021 seeking promotion as Junior Assistant from the post of Office Assistant. The stand of the petitioner was that promoting the fifth respondent as Junior Assistant with effect from 01.07.2019 was



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incorrect and that she ought to have been promoted to the said post with effect from 01.07.2019. The writ petition was allowed by me vide order dated 16.06.2023.

2. Now W.M.P has been filed following the understanding with the management. The petitioner is now agreeable to take the promotion with effect from 01.09.2023. The petitioner does not want to disturb the promotion already granted to the fifth respondent. The earlier order passed by me will stand accordingly modified in the light of the appointment order dated 29.08.2023 issued by the fourth respondent herein.

3. Notwithstanding the earlier order passed by this Court, the third respondent will approve the proposal submitted by the fourth respondent granting promotion to the petitioner as Junior Assistant with effect from 01.09.2023. The petitioner will be entitled to consequential benefits with effect from 01.09.2023.

4. This Writ Miscellaneous Petition is allowed accordingly.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/04/2024

Sub Assistant Registrar
(CS-I / II / III / IV)

MGA



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To
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- 1 The Secretary,
Higher Education Department, Fort St.George Chennai – 600009
 - 2 The Director of Collegiate Education,
College Road, Chennai – 600006.
 - 3 The Joint Director of Collegiate Education
Palayamkottai - 627002 , Tirunelveli District.
- +1. CC to M/S.ISAAC CHAMBERS , Advocate SR.No.10576

ORDER DATED : 07/03/2024

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ORDER

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in

W.P.(MD).No. 10629 of 2021

Giving direction and etc.

as stated within.

RD(08/04/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.