



W.P.(MD)No.14073 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.14073 of 2021

and

W.M.P.(MD)No.11042 of 2021

T.Sulochana

... Petitioner

/Vs./

1.The District Educational Officer,  
Valliyoor, Tirunelveli District.

2.The Block Education Officer – II,  
Kalakad, Tirunelveli.

3.The Secretary / Correspondent,  
Neelakanda Hindu Primary School,  
Pathai, Kalakad,  
Tirunelveli.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in A.Thi.Mu.No. 18/A2/2021 dated 21-10-2021 and quash the same and consequently direct the respondents 1 and 2 to approve the promotion of petitioner as



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Headmistress in the 2<sup>nd</sup> respondent School w.e.f 22-06-2020 with all service and monetary benefits within the time fixed by this Court.

For Petitioner : Mr.M.Arumugam

For Respondents : Mr.T.Amjad Khan (R1 & R2)

Government Advocate

Mr.P.P.Alwin Balan (R3)

### **ORDER**

This writ petition has been filed challenging the order dated 21.01.2021 passed by the second respondent rejecting the third respondent's proposal dated 22.06.2020 seeking approval for the promotion of the petitioner as Headmistress in the third respondent school.

2. The reason for rejection of the third respondent's proposal as seen from the impugned order is that the petitioner, having relinquished her rights for being promoted as Headmistress cannot be granted approval for her promotion to the post of Headmistress in the third



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respondent school, as per Rule 47(2) of the Tamilnadu State and Subordinate Service Rules, 1955.

3. The reason for rejection is disputed by the petitioner in this writ petition. However, the petitioner admits that she had relinquished her rights for being promoted to the post of Headmistress in the year 2019. Once a person relinquishes his/her rights for being promoted, the said relinquishment letter is valid for a period of three years. The period has now come to an end by the passage of time.

4. No prejudice will be caused to the petitioner, if the third respondent school submits a fresh proposal to the first respondent seeking approval for the promotion of the petitioner as Headmistress in the third respondent school with effect from the date of her relinquishment and a direction is issued to the first respondent to consider the said proposal, once the same is made, on merits and in accordance with law, as expeditiously as possible.



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5. The learned counsel appearing for the petitioner has also not raised any serious objection, if such a direction is issued by this Court.

6. For the foregoing reasons, this writ petition is disposed of by directing the third respondent to submit a fresh proposal to the first respondent, seeking for approval of the petitioner for being promoted as Headmistress in the third respondent school with effect from the date of the petitioner's earlier letter relinquishing her rights for promotion, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such proposal, the first respondent shall pass final orders on merits and in accordance with law on the said proposal as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

**19.09.2024**

Index : Yes / No  
NCC : Yes / No  
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TO:-

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Valliyoor, Tirunelveli District.
- 2.The Block Education Officer – II,  
Kalakad, Tirunelveli.



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**ABDUL QUDDHOSE, J.**

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Order made in  
W.P.(MD)No.14073 of 2021

Dated:  
19.09.2024