



WP(MD) No.14067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14067 of 2024

and

W.M.P.(MD)Nos.12322 and 12325 of 2024

Meena

... Petitioner

Vs.

- 1.The Director of School Education,
D.P.I.Complex, Nungampakkam,
Chennai-600 006.
- 2.The Joint Director of School Education
(Higher Secondary),
D.P.I.Complex, Nungampakkam,
Chennai-600 006.
- 3.The Joint Director of School Education
(High School),
D.P.I.Complex, Nungampakkam,
Chennai-600 006.
- 4.The Chief Educational Officer,
O/o.Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.
- 5.The Head Master,
Government Higher Secondary School,
Kottaimadu, Kamuthi,
Ramanathapuram District.

6.S.Amuthavallai.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.76348/C4/E1/2023 dated 01.04.2024 by confirming the second respondent order in Na.Ka.No. 36012/w1/E2/2019 dated 07.10.2023 to quash the same as illegal and unconstitutional and subsequently direct the third respondent to include the petitioner name in the promotion panel for upgraded Superintendent in Na.Ka.No.10030/A3/E1/1023 dated 30.10.2023.

For Petitioner : Mr.D.Balamurugapandi
For R1 to R5 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order of the first respondent in Na.Ka.No.76348/C4/E1/2023 dated 01.04.2024 by confirming the second respondent order in Na.Ka.No. 36012/w1/E2/2019 dated 07.10.2023 and unconstitutional and to direct the third respondent to include the petitioner name in the promotion panel for upgraded Superintendent in Na.Ka.No.10030/A3/E1/1023 dated 30.10.2023.

2.Heard Mr.D.Balamurugapandi, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader Counsel for the respondents 1 to 5.



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3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The petitioner is working as an Assistant at the District Educational Office, Ramanathapuram. On 02.12.2019, a charge memo came to be issued against the petitioner stating that the petitioner had added an unqualified person in the promotion panel for the post of Graduate Teacher. After a detailed enquiry, the petitioner was found guilty and imposed with punishment of stoppage of six months increment. When the petitioner had challenged the same by way of an appeal, the appellate authority/first respondent has also confirmed the punishment of the appropriate authority. Challenging the same, the petitioner has filed this writ petition.

5.The learned counsel for the petitioner submitted that the petitioner is working as an Assistant. Her nature of work is only to receive the application from the candidates seeking promotion and forward the same to the Scrutiny Committee. The Superintendent of the Scrutiny Committee is the competent person to take decision with regard to the inclusion of the name of the person in the promotion panel.



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6.The allegation against the petitioner is that the petitioner

had recommended a person to be included in the promotion list, despite the person has submitted only course completion certificate and not the provisional certificate. It is true that the petitioner ought to have mentioned in the office note about the non-production of provisional certificate while receiving application from a candidate. But, she failed to do so. However, the petitioner is the bottom most employee in moving the files to his Superintendent. It is for the Superintendent to take a call regarding inclusion of name of the concerned employee after scrutinizing the records. It is to be noted that in view of the punishment imposed against the petitioner, her name was not included in the next level promotion panel for the post of Upgraded Superintendent.

7.Though the petitioner was found guilty and she was imposed with punishment of 6 months stoppage of increment, taking into consideration of the fact that the appropriate authority and the appellate authority without considering the track records of the past services of the petitioner, have passed the punishment order and taking into consideration of the fact that the petitioner is awaiting for promotion, I feel that it is appropriate to remand the matter back to the appropriate authority to consider the matter afresh.



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8.In view of the above, the orders passed by the second respondent in Na.Ka.No.36012/W1/E2/2019 dated 07.10.2023 and the first respondent in Na.Ka.No.76348/C4/E1/2023 dated 01.04.2024 are hereby quashed and the matter is remanded back to the second respondent/appropriate authority. The second respondent shall consider the same afresh by considering the past service track of the petitioner and pass appropriate order on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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