



WP(MD). No.14690 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/07/2024

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The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.14690 of 2024 and
WMP(MD) No.12882 of 2024**

Kulalasekara Pandian .T

... Petitioner

Vs

1. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

2. The District Educational Off,
Icer (Elementary Education), O/o.The
District Educational Officer
(Elementary Education),
Paramakudi,
Ramanathapuram District.

3. The Block Educational Officer,
O/o.The Block Educational Officer,
Kamuthi,
Ramanathapuram District.

... Respondents

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 of De-Promotion in



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Na.Ka.No.2745/Aa1/2018, dated .06.2018, signed on 11.06.2018 and the subsequent impugned order in O.Mu.No.0404/Aa3/2024, dated 09.02.2024 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to re-post the petitioners as the Middle School Head Master in the available vacancies in Kamuthi Union in Ramanathapuram District within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For Respondent : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3.The petitioner has filed this writ petition challenging the order of de-promotion of the respondent No.2 dated 11.06.2018 and the subsequent impugned order in O.Mu.No.0404/Aa3/2024, dated



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09.02.2024 and consequently to direct the respondents to re-post the petitioner as the Middle School Head Master in the available vacancies in Kamuthi Union in Ramanathapuram District.

4. The petitioner, who was appointed as a secondary grade teacher on 29.07.1995, was subsequently promoted as middle school headmaster on 22.05.2017. While so, junior of the petitioner, by name Packiyalakshmi, who was working as Block Development Officer, was demoted to Middle school headmistress and posted at Kamuthi Union as per her request. Pursuant to her request, a demotion order has been passed on 11.06.2018, thereby depromoting the petitioner as elementary school headmaster and an assurance was given to the effect that whenever, vacancy arises, the petitioner would be considered to that vacancy in the promotional post of middle school headmaster. It is the claim of the petitioner that now vacancies arise in Kamuthi Union and hence, the petitioner had requested to promote him to the said vacancy. However, vide the impugned order, the claim of the petitioner was turned down and hence, the petitioner is before this Court.



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5. The learned counsel for the petitioner submitted that the petitioner was given with promotion to middle school headmaster in the year 2017 and Packiyalakshmi, who herself, had relinquished her next level promotion, after being promoted to the post of Block Development officer, requested to demote her to the post of middle school headmaster and in order to facilitate her to work in the place where she was already working, the petitioner's position has been disturbed by reversing him.

6. The learned Government Advocate submitted that the impugned order has been passed as early as in the year 2018 and the petitioner was keeping silent so far and even if there is any vacancy for promoting the petitioner, the same would be considered only in the regular promotional counseling.

7. The petitioner, who knows pretty well that his position was reversed even in the year 2018, has not chosen to challenge the said order so far. Even now, the petitioner's concern is that he can be accommodated in any of the vacancy available in the middle school headmaster. If any such vacancy is available and if the petitioner is



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found to be fit for promotion to the middle school headmaster, there cannot be any impediment for the respondents to consider the same.

8. Since the orders of promotion is governed by the new guidelines for counseling, no promotion can be given in this regard. Hence, the writ petition is disposed of directing the respondents to consider the case of the petitioner, if he is found to be fit for promotion to the middle school headmaster. However, with regard to the choice of places, where the petitioner has to be posted, would depend upon the promotional counseling. No costs. Consequently connected Miscellaneous Petition is closed.

04.07.2024

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O/o.The District Educational Officer
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R.N.MANJULA,J

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IN
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