



W.P.(MD)No.15526 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15526 of 2024

and

W.M.P.(MD).Nos.13583 to 13585 of 2024

G.Amirthalingam

... Petitioner

vs.

1.The Government of Tamil nadu,
Represented by its Secretary,
School Education Department,
Fort St.George, Chennai-9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
Tenkasi, Tenkasi District.

4.The District Elementary Educational Officer,
Tenkasi, Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Clause 3 (i) of impugned G.O.Ms.No.



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141 School Education (PaKa5(1) Department, dated 26/06/2024 of the first respondent herein and quash the same in so far as conducting deployment counselling under the category of one District to another District in respect of 3 Lab Assistant posts in Tenkasi District alone and consequently direct the respondents herein to prepare the Seniority Panel for the academic year 2023 as on 1.12.2023 for the post of Lab Assistant by including the name of petitioner and promote the petitioner as Lab Assistant in any one of vacancies in the Government Higher Secondary Schools in Tenakasi District.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.T.Pon Ramkumar, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.



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3. The petitioner has filed this Writ Petition challenging the impugned Clause 3 (i) of the Government Order in G.O.(Ms).No.141, School Education (PaKa5(1) Department, dated 26.06.2024 of the first respondent herein and quash the same insofar as conducting deployment counselling under the category of one District to another District in respect of three Lab Assistant posts in the Tenkasi District alone and consequently to direct the respondents herein to prepare the Seniority Panel for the Academic Year 2023 as on 01.12.2023 for the post of Lab Assistant by including the name of petitioner and promote the petitioner as Lab Assistant in any one of vacancies in the Government Higher Secondary Schools in Tenakasi District.

4. The petitioner, who is working as 'Record Clerk' in the Block Educational Office, Tenkasi, Tenkasi District, claims that he is eligible to be included in the Panel for promotion to the post of Lab Assistant. When the Promotion Panel was prepared for the year 2022, the petitioner's name was not considered for promotion in view of the fact that the petitioner has not completed three years of Service as Record



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Clerk as on 01.12.2022 and the said date is the crucial date for preparing the Panel for promotion. Now the petitioner claims that three years service is over as on 01.12.2023, but, now the Policy has changed and the Lab Assistant is said to be filled up by deployment of surplus from other Districts. Aggrieved over that, the petitioner has filed this Writ Petition to quash the impugned clause 3 (i) of the Government Order in G.O. (Ms).No.141, School Education (PaKa5(1) Department, dated 26/06/2024 for deploying the surplus Lab Assistants from one District to other District.

5. Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents submitted that the deployment is over and hence, the writ petition has become infructuous. It is further submitted that out of 18 surplus posts identified for deployment, 11 posts were deployed and seven vacancies are available. In such case, the petitioner can be accommodated in any of the vacancies, if he is found to be eligible for including him in the Promotion Panel as on 01.12.2023.



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6. Since the Promotion Panel for the year 2023 has not yet been prepared, the respondents have to consider the representation of the petitioner.

7. In view of the above, the Writ Petition is **disposed of** with a direction to the respondent Nos.3 and 4 to consider the representation of the petitioner dated 22.01.2024 and include him, if he is otherwise found to be fit for promotion by accommodating him any one one of the vacancies available and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

12.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
TSG



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To

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R.N.MANJULA, J.

TSG

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