



W.P.(MD).No.19882 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19882 of 2024

N.Jeyabharathi,
Secondary Grade Teacher,
Government Adi Dravidar Welfare Middle School,
Pambuvizhunthan,
Paramakudi Taluk,
Ramanthapuram District.

... Petitioner

Vs.

1. The Director,
Government Adi Dravidar Welfare Department,
Chepauk,
Chennai.
2. The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of B.T.Assistant (Maths) with effect from 26.10.2022 (cut-off date 01.03.2021) who were promoted on 26.10.2022 with all consequential benefits and fix seniority on par with Juniors in B.T.Assistant.



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For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.S.S.Madhhavan
Government Advocate

ORDER

The present Writ Petition has been filed by a Secondary Grade Teacher, seeking a Mandamus to promote her as a B.T.Assistant (Maths) with effect from 26.10.2022, the date on which, her juniors were promoted.

2. The petitioner's name for being promoted as B.T.Assistant (Maths) was included in the panel on 01.03.2021. A charge memo was issued to the writ petitioner on 25.02.2022. In view of the pendency of the charges, the petitioner was not promoted and her juniors were issued with promotion order on 26.10.2022.

3. After enquiry, the petitioner was exonerated on 26.09.2023. Thereafter, the petitioner has sent a representation to the first respondent on 25.01.2024 and another representation to the first respondent on 10.05.2024. Since both the representations have not been considered, the present writ



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petition has been filed.

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4. On 24.01.2024, the second respondent has recommended to the first respondent to include the name of the writ petitioner in the panel dated 01.03.2024. However, so far, no orders have been passed. Hence, the present writ petition.

5. The petitioner's name was overlooked and her juniors were promoted on 26.10.2022 on the ground that charges were pending as against her, after the panel was prepared, but before the promotion order was effected. However, the petitioner was exonerated from all the charges on 26.09.2023. Therefore, it is clear that the petitioner's seniority has to be restored on par with her juniors. The juniors of the petitioner have been promoted on 26.10.2022 and therefore, a direction is issued to the first respondent to the effect promotion shall be granted to the writ petitioner on par with her juniors with effect from 26.10.2022 and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above said observation, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Director,
Government Adi Dravidar Welfare Department,
Chepauk,
Chennai.
2. The District Adi Dravidar and Tribal Welfare Officer,
Ramanathapuram District.



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R.VIJAYAKUMAR,J.

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