



W.P.(MD)No.22839 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.22839 of 2018

G.Subbaram

: Petitioner

Vs.

1.The Director of School Education,
Directorate of School Education,
Chennai – 600 006.

2.The Chief Educational Office,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

4.The Headmaster,
Government Higher Secondary School,
Ottraiyaluvilai,
Kanyakumari.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to



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declare the petitioner's probation as Junior Assistant from the date of the petitioner's promotion and grant the consequent increments, retirement benefits and revision of pension.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to declare the probation of the petitioner as Junior Assistant from the date of the petitioner's promotion and grant the consequent increments, retirement benefits and revision of pension. The petitioner had given a representation on 01.05.2017 to the respondents for the aforementioned relief.

2.For the representation sent by the petitioner, a reply was received from the second respondent pointing out certain defects in the proposal submitted by the fourth respondent for declaring the probation of the petitioner as Junior Assistant.

3.As seen from the reply sent by the second respondent, the deficiencies have to be rectified by the fourth respondent and re-submit it to the second respondent for consideration, in respect of



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the declaration of probation of the petitioner as Junior Assistant from the date of his promotion.

4.It is now brought to the notice of this Court that till date, the fourth respondent has not rectified the deficiencies pointed out by the second respondent and resubmitted the proposal to declare the probation of the petitioner as Junior Assistant from the date of his promotion.

5.Learned Counsel for the petitioner also submits on instructions that the petitioner, subsequent to the filing of the writ petition has also retired from service and the track record of the petitioner is also blemishless.

6.No prejudice would be caused to any of the parties if the fourth respondent is directed to re-submit the proposal to the second respondent seeking approval to declare the probation of the petitioner as Junior Assistant from the date of the petitioner's promotion and for payment of consequent increments, retirement benefits and revision of pension and a direction to the second respondent to consider the said resubmitted proposal on merits and in accordance with law within a time frame to be fixed by this Court.



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7. For the foregoing reasons, this Court directs the fourth respondent to re-submit the proposal seeking for declaration of the petitioner's probation as Junior Assistant from the date of the petitioner's promotion and also seeking approval for grant of consequent increment, retirement benefits and revision of pension, after complying with the deficiencies pointed out through the reply sent by the second respondent in the earlier communication within four [4] weeks from the date of receipt of a copy of this order. On receipt of the re-submitted proposal from the fourth respondent, the second respondent shall pass final orders on merits and in accordance with law within a period of eight [8] weeks thereafter.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

22.08.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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