



W.P.(MD)No.10579 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.10579 of 2017

and

W.M.P.(MD)No.8064 of 2017

K.Rajagopal

... Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai – 600 009.

2.The Director of Family Welfare,
VI Floor,
DMS Campus, Teynampet,
Chennai – 600 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus to call for the records pertaining
to the Impugned Order in Letter No.Na.Ka.No.1138/Koona/nee3/2017



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dated 23.05.2017 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the Respondent No.2 providing notional promotion as Mass Education Information Officer with effect from 11.02.2016 with consequential benefits with arrears in the revised scale of re-fixation with pensionary benefits within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 23.05.2017 issued by the second respondent rejecting the petitioner's request for notional promotion as Mass Education Information Officer with effect from 11.02.2016.



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2. Admittedly, when the impugned order came to be passed on 23.05.2017, the petitioner was retired from service. The petitioner claims that the proceedings were issued by the respondents for finalization of seniority panel and his name was also included in the proposed seniority panel. However, under the impugned order dated 23.05.2017, the request of the petitioner has been rejected on the ground that he has already retired from service and the promotion panel was not finalized before the date of his retirement.

3. A counter affidavit has also been filed by the respondents, wherein they have categorically stated that no junior to the petitioner was promoted in the year 2015-2016. They have also stated that no panel was approved for the year 2015-2016, till the retirement of the petitioner ie., till 31.07.2016.

4. This Court does not find any infirmity in the reasons given by the second respondent for rejecting the request of the petitioner seeking for notional promotion under the impugned order dated 23.05.2017.



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5. For the foregoing reasons, there is no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

Index : Yes / No

NCC : Yes / No

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TO:

1. The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 09.
2. The Director of School Education,
Directorate of Elementary Education,
Chennai – 06.
3. The District Education Officer,
Paramakudi,
Ramanathapuram District.



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.10579 of 2017

Dated:
29.08.2024