



W.P.No.22889 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2025

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**Coram:
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P.No.22889 of 2010
and M.P.No.1 of 2011**

K.Jaya

...Petitioner

Versus

1.The District Elementary Educational Officer,
Erode, Erode District.

2.R.Chitra

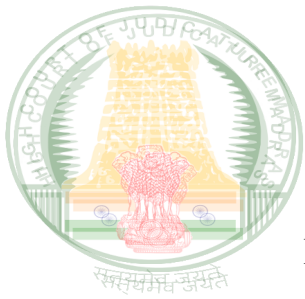
3.N.Pushpa

4.T.G.Santhi

5.M.M.Anuradha

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to include the petitioner's name in the Panel for promotion to the post of Middle School Headmaster as on 1-1-2010 above the respondents 2 to 5 and promote the petitioner as Middle School Headmaster with effect from the date of promotion of respondents 2 to 5 and grant her all consequential benefits.



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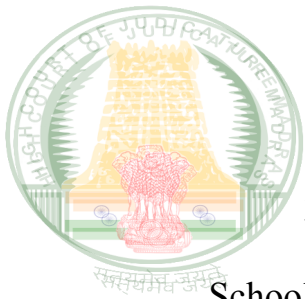
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For Petitioner : Mr.P.Manoj Kumar
For Respondent – 1 : Mr.P.Kumaravel,
Additional Government Pleader
For Respondents – 2 to 5: No Appearance

ORDER

The relief sought in this Writ Petition is to direct the 1st Respondent to include the Petitioner's name in the Panel for Promotion to the post of Middle School Headmaster prepared with the crucial date as on 01.01.2010 above the Respondents 2 to 5 and promote the Petitioner as Middle School Headmaster with effect from the date of promotion of Respondents 2 to 5 and grant all consequential benefits to the Petitioner.

2. The brief facts of the case are that the Petitioner was appointed as Secondary Grade Teacher and posted in an Elementary School at Paramathi Block, Erode District on 30.12.1989. The Petitioner's probation was declared on 29.12.1991. Thereafter, the Petitioner was transferred to Panchayat Union Elementary School at Bhavani Block on 11.01.1994.

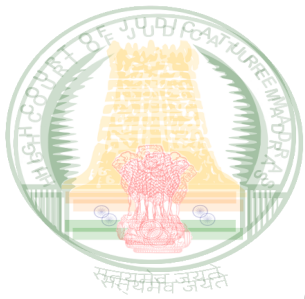


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3. While so, the Respondents 2 to 5 were promoted as Elementary School Headmasters. The Respondents 2 to 5 were juniors to Petitioner. When the Petitioner joined duty in a Panchayat Union Elementary School at Bhavani Block, the Respondents 2 to 5 were probationers. Hence, the Petitioner made a Representation to the 1st Respondent, objecting the promotion given to the Respondents 2 to 5.

4. The Petitioner's Representation was considered by the 1st Respondent. Subsequently, the Petitioner was promoted as Elementary School Headmaster on 28.06.2006 and then, she was promoted as Tamil Pandit on 22.08.2008. The Respondents 2 to 5 were promoted as Tamil Pandits on 02.06.2009.

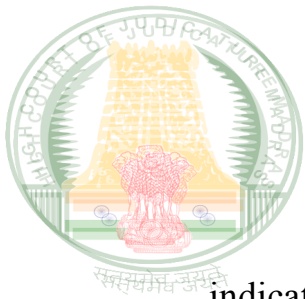
5. On 20.05.2010, the 1st Respondent issued a Panel for Promotion to the post of Middle School Headmaster prepared with the crucial date as on 01.01.2010. In the said Panel for Promotion, the name of the Respondents 2 to 5 were included, but, the Petitioner's name was not included. Pursuant to the issuance of said Panel for Promotion, the Respondents 2 to 5 were promoted as Middle School Headmasters.



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6. Aggrieved over the promotion given to the Respondents 2 to 5 as Middle School Headmasters, the Petitioner made a Representation dated 24.05.2010 to the 1st Respondent, seeking promotion as Middle School Headmaster. However, the Petitioner's Representation dated 24.05.2010 was not considered by the 1st Respondent. Hence, left with no other alternative, the Petitioner has filed this Writ Petition for the relief stated *supra*.

7. The specific case of the Petitioner is that the Respondents 2 to 5 were juniors to Petitioner. The Petitioner was promoted as Tamil Pandit on 28.08.2008 even before the Respondents 2 to 5 were promoted as Tamil Pandits on 02.06.2009. However, overlooking the seniority of the Petitioner, the Respondents 2 to 5 were promoted as Middle School Headmasters. Hence, the Petitioner is seeking to include her name in the Panel for Promotion to the post of Middle School Headmaster prepared with the crucial date as on 01.01.2010 above the Respondents 2 to 5 and to promote her as Middle School Headmaster with effect from the date of promotion of Respondents 2 to 5.



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8. The Counter Affidavit filed by the 1st Respondent seems to indicate that the anomaly in promoting the Petitioner as Elementary School Headmaster was rectified by the promotion given to the Petitioner as Elementary School Headmaster on 28.06.2006.

9. Further, in the Counter Affidavit of the 1st Respondent, it has been stated as follows:

"I further submit that the respondents 2 to 5 had been promoted as an Elementary School Headmaster in the year 2005 itself whereas the petitioner was promoted to the feeder category only in the year 2006. Since as per the procedure contemplated the first preference to be taken into consideration for the post of Middle School Headmaster is that of the feeder category from the Elementary School Headmaster and if there is no person available from the category of Elementary School Headmaster then the post can be filled up from the category Tamil Pandit and all the 4 persons mentioned by the petitioner is much senior to the petitioner since they have assumed office as a Elementary School Headmaster on 01.08.2025 itself on the other hand, the petitioner had been include in the panel as on 01.01.2006 in the post of Elementary School Headmaster and she has been assumed office as a Elementary School Headmaster only on 28.06.2006. Therefore, the averment made by the petitioner that the petitioner is much senior to the respondents 2 to 5 and overlooking the seniority they have been given promotion is high unjustifiable since if no eligible person is available as a Elementary School Headmaster then the post of Middle School Headmaster can be filled up from the category of Tamil Pandit."

10. Heard the learned counsel for the Petitioner and the learned Additional Government Pleader for the 1st Respondent.



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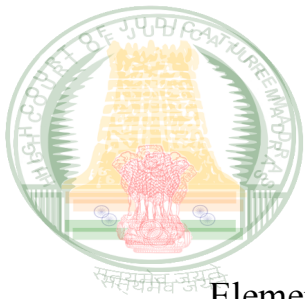
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11. From a perusal of the materials available on record, it is seen that the Petitioner's initial appointment was on 30.12.1989 and the probation of the Petitioner was declared on 29.12.1991.

12. The date of initial appointment of the Respondents 2 to 5 and the date of declaration of their probation are as follows:

S.No.	Name of the Respondents	Date of Initial Appointment	Date of Declaration of Probation
1	R.Chitra (2 nd Respondent)	07.12.1990	06.12.1992
2	N.Pushpa (3 rd Respondent)	06.12.1990	05.12.1992
3	T.G.Santhi (4 th Respondent)	18.06.1991	17.06.1993
4	M.M.Anuradha (5 th Respondent)	31.07.1991	31.07.1993

13. The date of initial appointment and the date of declaration of probation of the Petitioner are prior to the date of initial appointment and the date of declaration of probation of the Respondents 2 to 5. Thus, it is crystal clear that the Respondents 2 to 5 are juniors to the Petitioner.

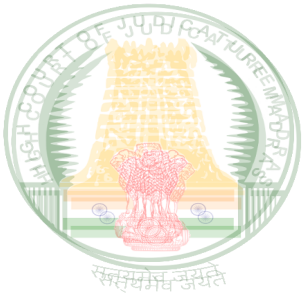


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14. As per seniority, the Petitioner ought to have been promoted as Elementary School Headmaster prior to the Respondents 2 to 5. However, overlooking the seniority of Petitioner, the Respondents 2 to 5 were promoted as Elementary School Headmasters on 01.08.2005. Aggrieved over the same, the Petitioner made a Representation to the 1st Respondent. Subsequently, the Petitioner was promoted as Elementary School Headmaster on 28.06.2006 i.e., almost a year after the Respondents 2 to 5 were promoted as Elementary School Headmasters.

15. It is to be noted that the Petitioner's name was included in the Panel for Promotion to the post of Tamil Pandit as on 01.01.2008 and the Petitioner was promoted as Tamil Pandit on 22.08.2008 i.e., a year prior to the Respondents 2 to 5 were promoted as Tamil Pandits on 02.06.2009.

16. The Petitioner is entitled to be promoted as Middle School Headmaster and the name of the Petitioner ought to have been placed above the name of the Respondents 2 to 5 in the Panel for Promotion to the post of Middle School Headmaster as on 01.01.2010. Hence, this Court is inclined to allow this Writ Petition.



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17. Accordingly, this Writ Petition is allowed and the 1st Respondent is directed to promote the Petitioner to the post of Middle School Headmaster on par with the Respondents 2 to 5, together with all service benefits, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

03.02.2025

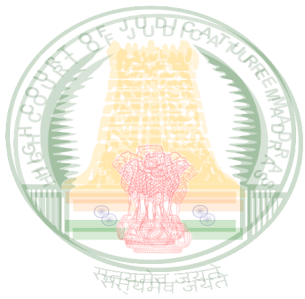
mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

The District Elementary Educational Officer,
Erode, Erode District.



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C.SARAVANAN, J.

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