



W.P.No.31277 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.31277 of 2015

P.R.Radhakrishnan

... Petitioner

Vs.

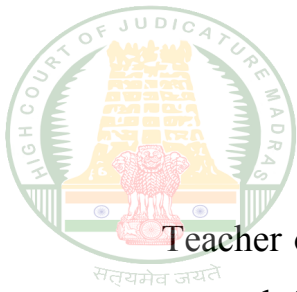
1.The Government of Tamil Nadu,
Rep by its Secretary to the Government,
School Education Department,
Fort ST.Geroge,
Chennai – 600 009.

2.The Director of School Education,
DPI Complex,
College Road,
Nungambakkam, Chennai – 600 006.

3.The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai – 606 601.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of certiorari/fide mandamus, to call for the records relating to the proceedings of the 2nd respondent in his office proceedings Ref:Na.Ka.No.12093/W1/E1/2013, dated 26.12.2013 and Na.Ka.No.12093/W1/E1/2013, dated 25.09.2014, quash the same and direct the respondents to give notional promotion to the petitioner as P.G. Assistant



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Teacher on and from 01.07.1978 and as Higher Secondary School Headmaster on and from 01.07.1982 and pay all monetary benefits including increased pension.

For Petitioner : Mr.P.Mani

For Respondents : Ms.Akila Rajendran
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. After hearing the learned counsel on both sides at length, this Court is thoroughly convinced that this writ petition is barred by the defects of delay and laches.

3. The petitioner was promoted to the post of PG Assistant on 23.07.1979. The claim of the petitioner is that he is entitled for promotion to the post of PG Assistant with effect from 01.07.1978 consequent upon the service rules framed by the State through G.O.Ms.No.720 Education Department dated 28.04.1981. The petitioner also claims that certain others who are juniors to the petitioner in the cadre of BT Assistant were promoted to



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the post of PG Assistant i.e., during the year 1978 itself ignoring the claim of the petitioner. The petitioner has not taken any steps either to challenge the promotion issued in favour of his alleged juniors during the year 1978, or the order of promotion was granted in his favour on 23.07.1979. Promotion of the petitioner to the post of BT Assistant and the promotions that were granted in favour of the alleged juniors have become final. However, when a seniority list were issued in the cadre of PG Assistant during the year 1994, the petitioner challenged the said proceedings bearing RC.No.165836/W2/92 dated 27.06.1994 by filing O.A.No.275 of 1997 before the then Tamil Nadu Administrative Tribunal. The said OA itself was filed after lapse of more than two years since the date of issue of proceedings dated 27.06.1994. The said OA was subsequently transferred to this Court and re-numbered as W.P.No.29736 of 2006 and the same was disposed of by this Court on 19.09.2007 directing the respondents to consider the representation dated 12.06.1995 said to have been submitted by the petitioner, duly giving an opportunity to the petitioner within a period of three months from the copy of the said order.

4. The petitioner already retired from service on 30.04.2003. However, for the reasons best known to the petitioner, inspite of this Court fixing three months time for the respondents to consider the representation of the petitioner,



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the petitioner did not taken any steps either by filing a contempt petition or otherwise. But indefinitely waited till the respondents passed an order on 26.12.2013. It was thereafter the petitioner, after a lapse of two years, once again approached this Court by filing the present writ petition. Thus, there is a delay at every point of time.

5. Be that as it may, the fact remains that the date of promotion of the so called juniors of the petitioner of the year 1978 remains unchallenged and has become final. So also the date of promotion of the petitioner to the post of PG Assistant has also attained finality. In the absence of any challenge to the promotion of the petitioner as well as the promotion of the so called juniors of the petitioner to the post of PG Assistant, the question of conferring the benefit of seniority to the petitioner over and above the so called juniors does not arise.

6. As the date of promotion of the petitioner as well as so called juniors are of the years 1978 and 1979 and the same has already attained finality for want of any challenge to the same at the appropriate time, this Court does not see any live claim of the petitioner for consideration of this Court. In addition to the same, the petitioner has already attained the age of superannuation on 30.04.2023.



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WEB COPY 7. In the light of the above, this Court is not inclined to interfere with the impugned order and is of the considered view that this Writ Petition is liable to be dismissed on the ground of delay and laches. Accordingly, this Writ Petition is dismissed. No costs.

17.06.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai – 600 009.



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2. The Director of School Education,
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Tiruvannamalai – 606 601.

MUMMINENI SUDHEER KUMAR, J.

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