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W.P. No. 18143 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 18143 of 2019

R.Munisamy

... Petitioner

-VS-

1. The Director of Elementary Education
DPI, College Road
Chennai District.
2. The District Educational Officer
Krishnagiri District Educational Office
Krishnagiri District.
3. The District Elementary Educational Officer
Krishnagiri District Elementary Educational Office
Krishnagiri District.

4. V.Sargunam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the order bearing reference in Na.Ka.No.3878/A2/2018 dated 28.05.2019 by the 2nd respondent, and quash the same and consequently directing the respondents 1 to 3 to consider the petitioner for promotion to the post of Head Master Panchayat Union Middle School, Badhimadugu, Veppanapalli Block, Krishnagiri District.



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For Petitioner : Mr.P.Ganesan
For Respondents : Ms.P.Rajarajeswari, GA (RR1 to 3)
Ms.S.Agalya (R4)

ORDER

The petition has been filed for issuing the writ of certiorarified mandamus calling upon the records pertaining to the order of the second respondent dated 28.05.1990 in Na.Ka.No.3878/A2/2018 dated 28.05.2019 by the 2nd respondent for appointing the fourth respondent in the post of Head Master of Panchayat Middle School, Pathimadugu and direct the respondents 1 to 3 to consider the petitioner for promotion to the post of Head Master Panchayat Union Middle School, Badhimadugu, Veppanapalli Block, Krishnagiri District.

2. Heard Mr.P.Ganesan, learned counsel for the petitioner, Ms.P.Rajarajeswari, learned Government Advocate for the first to third respondents and Ms.S.Agalya, learned counsel for the fourth respondent and perused the materials placed on record, apart from the pleadings of the parties.



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3. The petitioner was appointed as a Secondary Grade Assistant at Panchayat Union Primary School (Telugu) Segripalli, Krishnagiri District through employment exchange. His services regularized on 01.06.2006 and his probation was also declared on 31.05.2008. The petitioner was promoted as B.T.Assistant on 04.07.2008 and posted in the same school. The petitioner has got his further promotion as Head Master, Panchayat Union Middle School, Chinna Poosaranapalli, Krishnagiri District on 01.11.2010. Thereafter, he was reverted as B.T. Assistant on 12.06.2014 as per Section 11 of the Tamil Nadu Government Servants (Condition of Services) Act, 2016 and gave permission to the fourth respondent. The fourth respondent was posted in that place because he relinquished his promotion to the next level post of Assistant Elementary Educational Officer and to be retained as Middle School Head Master. Since the petitioner is the junior most person in Middle School Head Master post, he was reverted in compliance of Section 11 of the Tamil Nadu Government Servants (Condition of Services) Act 2016. The petitioner is entitled to be re-posted as Head Master of Panchayat Union Middle School as and when the vacancy arises, but the petitioner has not been restored to his position by stating that there was no vacancy, despite there are vacancies. Hence, the petitioner has filed this writ petition for seeking the said relief.



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4. The learned counsel for the petitioner submitted that even without disturbing the fourth respondent posting, there are vacancies available in (1) Thally Union, viz., P.U.M.School, Annayalam and P.U.M.School, Doddabelamathur; (2) Shoolagiri Union viz., P.U.M.School, B.Chennasandiram; and (3) Kelamangalam Union viz., P.U.M.School Gullatti and despite that he was not posted in any of the above places.

5. The learned counsel for the second respondent submitted that as the union wise seniority was allotted earlier the petitioner cannot be posted in any of the places within the union. Now that state wise seniority is allotted, and hence, the petitioner can very well be accommodated when the next vacancy arises.

6. In this regard, it is appropriate to extract the paragraph 14 of the counter of the second respondent:-

“14. Aggrieved by the above reply, not knowing the fact that the writ petitioner is eligible to get promotion in only Telugu Medium of Instruction Middle Schools, the writ petitioner again approached the Hon'ble High Court of Madras filing this case



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expressing the same grievance. As the writ petitioner is eligible to get promotion as B.Ed. Grade Middle School Headmaster in Telugu Medium of Instructions Middle Schools only, and in Bilingual (Tamil and Telugu) Medium of Instruction Schools as per combined panel as and when a vacancy arise, he will be given first priority in promotion to B.Ed. Grade Middle School Headmaster [Telugu Medium].”

Since the petitioner himself has pointed out the vacancy, nothing will prevent the second respondent from accommodating the petitioner immediately in any one of the above places, if the vacancy is available therein.

7. In view of the above stated reasons, the writ petition is partly allowed by directing the second respondent to accommodate the petitioner by issuing him the posting order by placing him in any of the available vacancies now pointed by the petitioner and issue orders in this regard within a period of two weeks from the date of receipt of a copy of this order. No costs.

13.02.2025

Index: Yes/No

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order



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Maya
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To

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R.N.MANJULA, J.

Maya

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