



WEB COPY



W.P.No.24920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24920 of 2024

V.Vasudevan

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
Chennai – 600 006.

2.The District Educational Officer
(Elementary)
Viruthachalam,
Cuddalore District – 607 303.

3.The Block Educational Officer
Srimushnam Block,
Nachiyar Pettai,
Srimushnam Taluk,
Cuddalore District – 608 601.

4.J.Nirmala

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take action on the audit objection conducted by the second respondent dated 31.08.2010 regarding illegal promotion of the fourth respondent to the post of B.T.Assistant by considering the representation made by the petitioner dated on 15.07.2024.

1/6



WEB COPY



W.P.No.24920 of 2024

For Petitioner : M/s.V.Sivalingam

For Respondents : Mrs.S.Mythreye Chandru for R1 to R3
Special Government Pleader (Edn.)
Mrs.Dakshayani Reddy for R4
Senior Counsel
for Mrs.S.Suneetha

ORDER

The writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents to take action on the audit objection conducted by the second respondent dated 31.08.2010 regarding illegal promotion of the fourth respondent to the post of B.T.Assistant by considering the representation made by the petitioner dated 15.07.2024.

2.The learned counsel appearing for the petitioner would submit that the respondents 2 and 3 have wrongly promoted the fourth respondent which came to the knowledge of the petitioner through audit report. Hence, to take action against the respondents 2 and 3, the petitioner has sent representation on 15.07.2024. It is the prime submission of the petitioner that the fourth respondent did not have required qualification on the crucial date.



W.P.No.24920 of 2024

WEB COPY

3.The learned Special Government Pleader would submit that on the date of consideration, the fourth respondent had the required qualification. Only after verifying the qualification, the fourth respondent was promoted. In this connection, she relied upon paragraph nos.10 and 11 of the counter affidavit which reads as follows:

"10. Regarding the averments in para 6 of the affidavit of the petitioner, it is submitted that it is not correct to say that the promotion of the fourth respondent is illegal. It is however submitted that the audit objection has been raised to the effect that the name of the fourth respondent was wrongly included in the panel for promotion as on 1.1.2010. It is submitted that even if the name of the 4th respondent is withheld as on 1.1.2010 her name would be included in the same panel subsequently on production of the Degree certificate to the effect that the 4th respondent acquired degree in December 2009. It is submitted that in fact the 4th respondent has produced the final mark list and Provisional degree certificate on 13.3.2010 before passing the order of promotion. It is submitted that the 4th respondent was



WEB COPY



W.P.No.24920 of 2024

promoted as BT Assistant (Maths) only on 1.6.2010 as per the orders of the District Elementary Educational Officer, Cuddalore vide proceedings Rc.1870/A3/ Dated 20.5.2010. It is submitted audit rectification report was sent and the audit objection has been treated as settled as per the orders of the Chief Accounts Officer, Directorate of School Education Chennai vide Rc.013211/ 2024/ Dt.14.3.2024. Thus, this contention of the petitioner is purely on personal motive against the 4th respondent.

11. Regarding the averments in para 7 and 8 of the affidavit of the petitioner, it is submitted that it is not correct to say that the 4th respondent has acquired the B.Ed. Degree only in March 2010. It is submitted that as per the degree certificate and the verification certificate issued by the Authorised Signatory of IGNOU on 4.1.2021, the 4th respondent has acquired the B.Ed. Degree in December 2009 and hence the 4th respondent was rightly promoted as BT Assistant (Maths) as per the order dated 20.5.2010 and the 4th respondent has also joined duty as BT Assistant (Maths) on 1.6.2010. Even if the petitioner has got grievance on the panel for promotion as on 1.1.2010, the petitioner ought to have preferred an appeal to the competent



WEB COPY



W.P.No.24920 of 2024

authority immediately thereafter. It is further submitted that the petitioner has no locus standi to prefer appeal since he was not qualified for promotion as BT Assistant (English) in December 2010, whereas the 4th respondent is qualified for BT Assistant (Maths). Hence this allegation made by the Writ petitioner is purely a personal motive against the 4th respondent and nothing else. In as much as the audit objection referred to by the Writ petitioner has already been settled as per the orders of the competent authority, no further action is required."

4.While looking at the counter affidavit, it is very lucid that the fourth respondent has produced final mark list and Provisional degree certificate on 13.3.2010 before passing the order of promotion. From the above averment it is known that even prior to the crucial date, the fourth respondent had the required qualification. Further petitioner has come to know about the alleged issue during 2014, however, he has not raised any dispute for the past ten years and has filed this writ petition only during the year 2024. Hence, this Court is of the view that the fourth respondent possess the required qualification and apart from that the writ petition suffer from delay in latches.



WEB COPY



W.P.No.24920 of 2024

C.KUMARAPPAN,J.
pri

5.In the result, the writ petition is dismissed. No costs.

17.07.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Director of Elementary Education,
DPI Campus,
Chennai – 600 006.
- 2.The District Educational Officer
(Elementary)
Viruthachalam,
Cuddalore District – 607 303.
- 3.The Block Educational Officer
Srimushnam Block,
Nachiyar Pettai,
Srimushnam Taluk,
Cuddalore District – 608 601.

W.P.No.24920 of 2024

17.07.2025

6/6