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W.P.No.49407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.49407 of 2025
and W.M.P.Nos.55201 & 55202 of 2025

Aathimoolam

... Petitioner

Vs

1.The Secretary to the Government,
Adi Dravidar and tribal Welfare Department,
Secretariat, Chennai-600001.

2.The Commissioner,
Adi Dravidar Welfare Department,
Ezhilagam Annexure building,
Chepauk, Chennai-600 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the 2nd Respondent's letter vide Na.Ka.No.E1/8695/2025 dated 13.11.2025 relating to denial of promotion for the post of Deputy Director (Education) to the petitioner and quash the same, consequently direct the Respondents to give promotion to post of Deputy Director (Education) in 2nd Respondent's office in pursuant of panel of Head Master, Assistant Director (Education), and Regional Assistant Director (Education) which was published by 2nd Respondent vide letter Na.Ka.No.A1/14424/2024 dated 30.06.2025.



W.P.No.49407 of 2025

For Petitioner : M/s.P.Saravanan

For Respondents : Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader

ORDER

Challenging the order passed by the 2nd respondent, in and by which, the petitioner was denied the promotion to the post of Deputy Director (Education), the present Writ Petition has been filed.

2. The petitioner was initially appointed as Post Graduate Teacher in Mathematics at Adi-Dravidar Welfare School at Poovanipattu Village, Ariyalur District on 21.01.1993 and thereafter, promoted as Head Master at Adi-Dravidar Welfare School, Thondamuthur Village at Pollachi Taluka, Coimbatore District and presently he is working as Assistant Director (Education) at Directorate of Adi-Dravidar Welfare Department at Chepauk, Chennai. The next avenue of promotion for the petitioner is to the post of Deputy Director. Despite his eligibility and seniority, he was not promoted to the post of Deputy Director.

3. In this regard, the petitioner addressed a representation dated 01.09.2025 to the 2nd respondent seeking to consider him for promotion to the post of Deputy Director (Education), pursuant to which, the present impugned order has been passed rejecting the claim of the petitioner citing a criminal case pending against him in Spl.S.C.No.238 of 2024, against which, CrI.O.P.No.29194 of 2024 was



W.P.No.49407 of 2025

filed by the petitioner seeking quashment of the charge sheet, however, the said petition was dismissed vide order dated 21.11.2024 against which, the petitioner moved the Hon'ble Supreme Court in S.L.P.No.(Crl.) No.017502/2024 and the same is pending consideration. Aggrieved by which, the present Writ Petition has been filed.

4. Learned counsel appearing for the petitioner submitted that, mere pendency of charge sheet is not a bar for grant of promotion moreso, when there exists a vacancy to the promotional post. He further submitted that there is no charge memo or disciplinary proceedings pending against the petitioner and that the petitioner has rendered 32 years of unblemished service. Though the FIR was registered at the relevant of time for the offences under the POCSO ACT, which was basis for filing a Charge sheet, however, the petitioner was not implicated in the FIR at that point of time and that the petitioner's name was subsequently included in the charge sheet arraying him as A-3 after the completion of the charge sheet with inordinate delay of six years from the date of registration of FIR. In view of the all the aforesaid, the present impugned order is arbitrary, illegal and unsustainable and therefore, the same is liable to be set aside.



W.P.No.49407 of 2025

5. Learned Special Government Pleader appearing for the respondents submitted that, admittedly, there is a criminal case pending against the petitioner for the offences under the POCSO Act. The petitioner is challenging the non-inclusion of his name in the promotional panel on the basis of seniority. However, there is no vacancy in the promotional post which the petitioner seeks to occupy and the earlier claim of the petitioner was dismissed on the ground that the vacancy to the promotional post will arise only in the year 2025. Hence, the relief sought for by the petitioner at this stage cannot be granted and his claim can be considered only after the disposal of SLP pending before the Hon'ble Supreme Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The petitioner has challenged the impugned order of rejection on the ground that mere pendency of charge sheet is not a bar for grant of promotion so long as there is no charge memo or disciplinary proceedings are pending against him. However, in view of the fact that there is a criminal case pending against the petitioner and the issue is under consideration before the Hon'ble Apex Court in S.L.P.No.(Crl.) No.017502/2024, this Court is of the considered view that the relief sought for in this Writ Petition will be subject to the outcome of SLP



W.P.No.49407 of 2025

pending before the Apex Court.

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8. Accordingly, the Writ Petition stand dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.12.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

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WEB COPY



W.P.No.49407 of 2025

M.DHANDAPANI, J

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