

W.P.(MD).No.21222 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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and

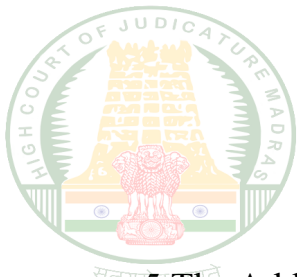
W.M.P.(MD)Nos.15169 and 15170 of 2016

A.Nateshka Janci

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Education Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
Nungambakkam,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Office of the District Elementary Educational Office,
North Main Street,
Pudukkottai-1.
- 4.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Near Thilakar Thidal Backside,
Pudukkottai-1.



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5.The Additional Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Near Thilakar Thidal Backside,
Pudukkottai-1.

6.M.Mariappan @ Suresh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.2490/Aa3/2016, dated 12.08.2016 and to quash the same as illegal and consequentially, to direct the respondents to promote the petitioner as B.T.Assistant (English) at Municipal Middle School, Pillaithanneerpandhal, Pudukkotai, within the period that may be stipulated by this Court.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1 to R5	: M/s.D.Farjana Ghoushia Special Government Pleader
For R6	: No appearance

ORDER

This writ petition is filed for issuance of a Writ of ***Certiorarified Mandamus***, to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings, dated 12.08.2016 and to quash the same as illegal and consequentially, to direct the respondents to promote the petitioner as B.T.Assistant (English) at Municipal Middle School, Pillaithanneerpandhal,



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Pudukkottai, within the period that may be stipulated by this Court.

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2. The contention of the petitioner is that she is qualified to be promoted to the post of B.T. Assistant. Moreover, she is in the seniority list in Serial No.3. Therefore, the petitioner claims that she ought to be granted promotion to the vacancy that arose on 01.01.2016. Since the respondents 1 to 5 have promoted the 6th respondent in the said vacancy, challenging the same the present writ petition is filed.

3. The learned Special Government Pleader appearing for the respondents 1 to 5 clarified that there was a vacancy for B.T. Assistant (Maths) as early as 08.08.2016 in Municipality Middle School, Kovilpatti. As per the seniority list in Serial No.1 to 5 are not B.T. Assistant (Maths). The only available candidate and also the senior most candidate was Tamilselvi, who was possessing B.T. Assistant (Maths) was appointed on 08.08.2016. Thereafter, in another vacancy, in Municipal Middle School, Pillaithanneerpandhal, one Jeyaseeli was appointed on 08.08.2016 as B.T. Assistant (Tamil). Thereafter, when the vacancy arose in Municipal Middle School, Pillaithanneerpandhal, i.e., when a Secondary Grade Teacher post became vacant, the same was upgraded into B.T. Assistant



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post. The respondents 1 to 5 had taken all the factual matrix into consideration and has upgraded the said post, based on G.O.Ms.No.100, dated 27.06.2003, as B.T.Assistant (Maths). In the seniority list, the next available candidate for B.T.Assistant (Maths) is 6th respondent. Therefore, the respondents 1 to 5 had granted promotion to the 6th respondent. Subsequently, when the post of B.T.Assistant (English) in Municipal Middle School, Bose Nagar, fell vacant, the petitioner was granted promotion as B.T. Assistant (English) on 01.03.2022.

4. The Learned Counsel appearing for the petitioner submitted that in the impugned order, the respondents had not mentioned regarding subject rotation and for the first time the respondents had submitted the 6th respondent was granted promotion based on subject rotation. This Court is of the considered opinion not mentioning of subject rotation will not vitiate the promotion granted to the 6th respondent, since it is settled principle that not mentioning or wrong mentioning of any Rule or G.O., will not vitiate the proceedings.

5. Therefore, this Court is of the considered opinion that the promotion granted to the 6th respondent is perfect. Further, the petitioner was also granted promotion subsequently in the year 2022. Therefore, nothing survives for



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adjudication. Hence, the writ petition is dismissed. No costs. Consequently,

connected miscellaneous petitions are closed.

27.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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S.SRIMATHY, J.

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