



W.P.No.1186 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Orders reserved on : 20.04.2026

Orders pronounced on : **21.04.2026**

CORAM :

THE HON'BLE MR.JUSTICE T.VINOD KUMAR

W.P.No.1186 of 2019

S.Chidambaram

.. Petitioner

Versus

1. The Director of School Education,
College Road,
Chennai – 6.

2. The Chief Educational Officer,
Vellore,
Vellore District.

3. The District Educational Officer,
Thirupattur – 635 601,
Vellore District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 1st respondent passed in O.Mu.No.72603/W1/E1/2026, dated 06.04.2018 and quash the same and direct the 1st respondent to revise the petitioner's pay scale including pension benefits from July, 2011 onwards.



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For Petitioner : Mr.M.Thamizhavel

For Respondents : Mrs.P.Raja Rajeswari,
Government Advocate

ORDER

Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondents and perused the record.

2. The petitioner, by this Writ Petition, has assailed the action of the first respondent in issuing communication/proceedings, dated 06.04.2018, whereby, his request for grant of pay scale applicable to the post of Higher Secondary School Headmaster from July, 2011 as per his representation, dated 29.06.2016 was rejected.

3. Briefly put the case of the petitioner is that he was appointed as B.T. Assistant on 09.02.1983 at K.V. Kuppam Government High School, Vellore district; that he was awarded Selection Grade on 09.02.1983 and Special Grade on 09.02.2003; that he was promoted as P.G. Assistant on 28.07.2006 and was appointed as Headmaster on 08.09.2007 at Melravandavadi High School, Thiruvannamalai; that on 01.06.2008, he was transferred to Kattupakkam High School, Vellore



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district, and thereafter to Machanur Government High School on 01.07.2010; and that he had retired from service on 30.09.2011 on attaining the age of superannuation.

4. It is the further case of the petitioner that the first respondent released the list for the promotion of Higher Secondary School Headmaster as on 01.01.2011; that his name was shown at Serial No.94 and Preference No.9156 in the selection list; that in normal course, the counselling for promotion to the post of Higher Secondary School Headmaster is to be held in the month of June/July of every year; and that however, during the year 2011, such counselling was held on 30.10.2011.

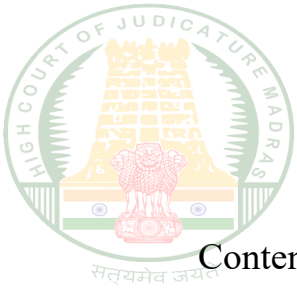
5. The petitioner further conducted that if only the respondents had conducted counselling in the month of June/July of 2011 as was done in the earlier years, since his name was included at Serial No.94, he could have been promoted to the post of Higher Secondary School Headmaster and retired in the said position with attached monetary benefits including the period of extension of service as granted to him i.e., upto the end of Academic Year – May, 2012.



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6. It is also contended by the petitioner that due to non-holding of counselling by the respondents, the petitioner was denied the opportunity of promotion as Higher Secondary School Headmaster during the Academic Year 2011-2012 even though his name was included in the panel for promotion as on 01.01.2011 and thus, the action of first respondent in not granting the promotion when it is due, is illegal and arbitrary.

7. It is the further case of the petitioner that he had approached this Court on earlier occasion by filing Writ Petitions vide W.P.No.31609 of 2016 and W.P.No.33965 of 2017 respectively and that this Court, by the order, dated 12.09.2016 in W.P.No.31609 of 2016, directed the first respondent to consider his representation, dated 29.06.2016 and on the first respondent, thereafter passing the order, dated 26.12.2016, the same was quashed by this Court vide its order, dated 03.01.2018 in W.P.No.33965 of 2017 and directed the respondents to consider the representation of the petitioner; and that inspite of the aforesaid direction, the respondents had rejected the representation of the petitioner, dated 29.01.2018 submitted pursuant to the order of this Court, dated 03.01.2018 in W.P.No.33965 of 2017, which action it is contended as highly illegal and arbitrary.



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Contending the above, the petitioner seeks for setting aside the impugned order with consequential relief.

8. Counter-affidavit on behalf of the respondents is filed. The respondents, by the counter-affidavit, contended that the petitioner was placed in the panel for promotion to the post of Higher Secondary School Headmaster as on 01.01.2011 at Serial No.94 and that the counselling for the promotion to the said post was conducted on 30.11.2011; that the persons whoever in the panel list were called for the said promotion and the orders were given; that as the petitioner had retired from service on 30.09.2011, he could not be awarded promotion as on 30.10.2011.

9. By the counter-affidavit, it is further contended that the petitioner had retired from service on 30.09.2011 and after availing all the retiral benefits, had filed Writ Petition earlier vide W.P.No.33965 of 2017 and this Court had directed the respondent to consider the representation in accordance with law; and that the first respondent duly considering the representation, had passed the impugned order, dated 06.04.2018.

10. It is the further contention of the respondents that on the first

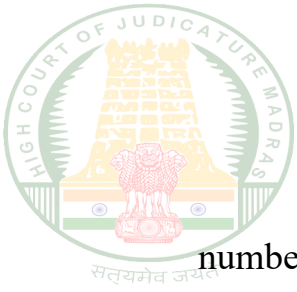


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respondent, considering his representation and passing the order, dated 26.12.2016, has come up with the present Writ Petition, now claiming that he should be given an order to the effect of he being deemed promoted as Higher Secondary School Headmaster as on July, 2011 and his pay to be fixed in the post of Higher Secondary School Headmaster, which duties he did not perform. The respondents further contended that the petitioner having retired from service as on 30.09.2011, while working in the post of High School Headmaster, cannot seek for being considered as deemed promoted as Higher Secondary School Headmaster or that his pension is to be revised and arrears of pension to be paid.

11. The respondents also contended that conducting of counselling for promotion is not a matter of right; and that counselling will be conducted according to the situation and requirement of the service; that during the year 2011, the counselling was conducted as per requirement of service on 30.10.2011, while the petitioner had retired from service on 30.09.2011 itself; and that the petitioner, after lapse of seven years, cannot claim of he being eligible for deemed promotion in the year 2011.

12. The respondents also contended that mere acquiring a

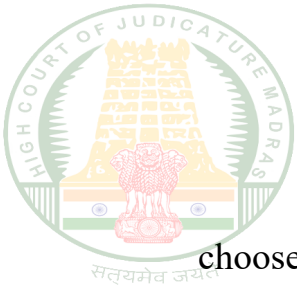


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number in the panel alone will not entail any right for the petitioner to claim promotion, as granting promotion is subject to vacancy and seniority to be followed and only upon existence of vacancy and seniority upto Serial No.93 being granted promotion and appointment, the petitioner would be eligible for being considered for promotion to the post of Higher Secondary School Headmaster, in addition to direct recruitment; and that by the time, the respondent conducted the counselling for the vacancies to be filled up, as the petitioner had retired from service; the petitioner cannot claim deemed promotion from July, 2011 for him to be entitled to be granted monetary benefits including revision of pension which has been fixed on the basis of his last drawn pay in the post of High School Headmaster. Contending the above, the respondents seek for dismissal of the Writ Petition.

13. I have taken note of the respective contentions urged.

14. Before proceeding to consider the respective contentions urged, it is to be noted that the petitioner, except the orders of this Court in W.P.No.31609 of 2016 and W.P.No.33965 of 2017 and the affidavits filed into this Court in the said Writ Petitions which are in English, did not



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choose to file the translated copies of the material papers which he intends to rely upon in support of the present petition including the impugned order, dated 06.04.2018 despite this Court granting sufficient time to the learned Counsel for the petitioner to submit the same. On the other hand, the learned Counsel for the petitioner made an endorsement on the Court bundle that he would not be relying on any of the documents which are in vernacular language and would base his case only on the documents which are in English. Thus, the contents of the impugned order, dated 06.04.2018 which are in vernacular language could not be gone into by this Court and only, on the basis of the writ affidavit averments, the matter is being decided.

15. From a perusal of the affidavits filed by the petitioner in the two Writ Petitions filed by him earlier, the prayer of the petitioner was to grant pay scale attached to the post of Higher Secondary School Headmaster with effect from July, 2011 onwards, while, in the present Writ Petition, the petitioner is seeking for grant of deemed promotion to the post of Higher Secondary School Headmaster from July, 2011 with consequential monetary benefits. Thus, the relief sought for in the earlier Writ Petitions are entirely different from the relief sought for by the



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petitioner in the present Writ Petition, which is a wider relief.

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16. Though the petitioner in the affidavit filed in support of the present Writ Petition, had claimed of he having approached the respondent authorities seeking notional promotion to the post of Higher Secondary School Headmaster from July, 2011 and on not being considered, he having submitted a representation, dated 29.06.2016, no material is placed before this Court along with the present Writ Petition, to show that the petitioner having claimed of he being entitled for deemed promotion from July, 2011 before he submitted his representation, dated 29.01.2018 which is after disposal of the Writ Petition vide W.P.No.33965 of 2017.

17. Insofar as the representation, dated 29.06.2016 is concerned, the petitioner, on the basis of the said representation, had only claimed for being granted pay scale attached to the post of Higher Secondary School Headmaster as is evident from the relief sought for in the two Writ Petitions filed by him earlier. Thus, the said representation cannot be considered as in relation to grant of deemed promotion from July, 2011.

18. Inasmuch as the petitioner had failed to demonstrate to this



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Court of he having approached the respondent authorities seeking for deemed promotion from July, 2011 at the relevant point of time and having submitted a representation only on 29.01.2018 i.e., after lapse of seven years, this Court is of the view that the claim of the petitioner is hit by delay and latches. Even the representation submitted by the petitioner earlier on 29.06.2016 cannot be considered as within reasonable time of three years from the date of he retiring from service for him to approach this Court and claiming as entitled for granted deemed promotion from July, 2011 with monetary benefits.

19. It is settled principle of law that though there is no time limit prescribed for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, however, by judicial precedent, it has been held that aggrieved party should approach this Court within reasonable period and such reasonable period is held to be three years.

20. Inasmuch as the petitioner did not approach this Court within a period of three years, but also, having not claimed the relief of deemed promotion in the two Writ Petitions filed by him earlier, this Court is of the view that the present Writ Petition, as filed, apart from being an



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afterthought, suffers on account of delay and latches, and the petitioner is

not entitled for being granted any relief. It is settled law that the Court comes to the rescue of those vigilant and would not favour the indolent.

[See: (i) *State of West Bengal and Ors Vs. M/s.B.B.M Enterprises – Civil Appeal No.4320 of 2026, dated 09.04.2026*; and (ii) *Miteshbhai J Patel and Anr. Vs. Drug Inspector and Anr. (2025 SCC OnLine SC 2203)*].

21. Accordingly, this Writ Petition is devoid of merits and is dismissed. There shall be no order as to costs.

21.04.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

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T.VINOD KUMAR, J.

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