

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.4770 OF 2021

AND

W.M.P.NOS.5380 & 5381 OF 2021

1. M.Sharmila
2. S.Barathi
3. R.Suresh
4. D.Ramesh

... Petitioners

-vs-

1. The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai 600 006.
2. The Chief Educational Officer,  
Tiruvarur District, Tiruvarur.
3. The District Educational Officer,  
Mannargudi Education District,  
Mannargudi, Tiruvarur District.
4. The Block Educational Officer,  
Kottur Union, Mannargudi Talu,  
Tiruvarur District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from conducting counselling or any other action in pursuant to proceedings of 1<sup>st</sup> respondent in Na.Ka.No.756/D1/2021, dated 05.02.2021 for promotion to the post of Middle School Headmaster without including the name of the petitioners in the panel for the year 2020-2021 in Kottur Union, Mannargudi Education District, Tiruvarur District by reckoning the seniority in the feeder post of B.T.Assistant only from the date of entry into the post of direct recruitment or by promotion.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.P.Raja  
Government Advocate

## O R D E R

This Writ petition is filed, to forbear the respondents from conducting counselling or any other action in pursuant to proceedings of 1<sup>st</sup> respondent in Na.Ka.No.756/D1/2021, dated 05.02.2021 for promotion to the post of Middle School Headmaster without including the name of the petitioners in the panel for the year 2020-2021 in Kottur Union, Mannargudi Education District, Tiruvarur District by reckoning the seniority in the feeder post of B.T.Assistant only from the date of entry into the post of direct recruitment or by promotion.

2. Mr.P.Raja, learned Government Advocate takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The case of the petitioners is that the petitioners are appointed in the post of B.T.Assistant in Panchayat Union Schools, Kottur Union, Mannargudi taluk through Teachers Recruitment Board in the year 2004 to 2006. According to the petitioners, without including their names, the respondents proceed to conduct counselling for the next avenue of promotion namely Middle School Headmaster, for the year 2020-2021, with reference to the date of entry in the feeder post B.T.Assistant. In this circumstance, their juniors in the post of B.T.Assistant promoted after the appointment of petitioners, are sought to be included in the Panel over and above the petitioners, by reckoning the seniority in the post of Primary School Headmaster. Hence, the Writ petition.

4. According to the learned counsel for the petitioner, the petitioner has submitted a representation to the respondents dated 22.02.2020 for inclusion of their names in the panel for promotion as BEO, but, the same is yet to be disposed of by the respondents. Learned counsel for the petitioner submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the respondents in accordance with law.

5. Mr.P.Raja, learned Government Advocate taking notice for the respondents, submitted that the respondents may be directed to consider the petitioner's representation and pass orders in accordance with law.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents to consider the representation preferred by the petitioner dated 22.02.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, and after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, before finalisation of selection process;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 22.02.2020 and this order, to the respondent concerned forthwith;

v) The respondents concerned is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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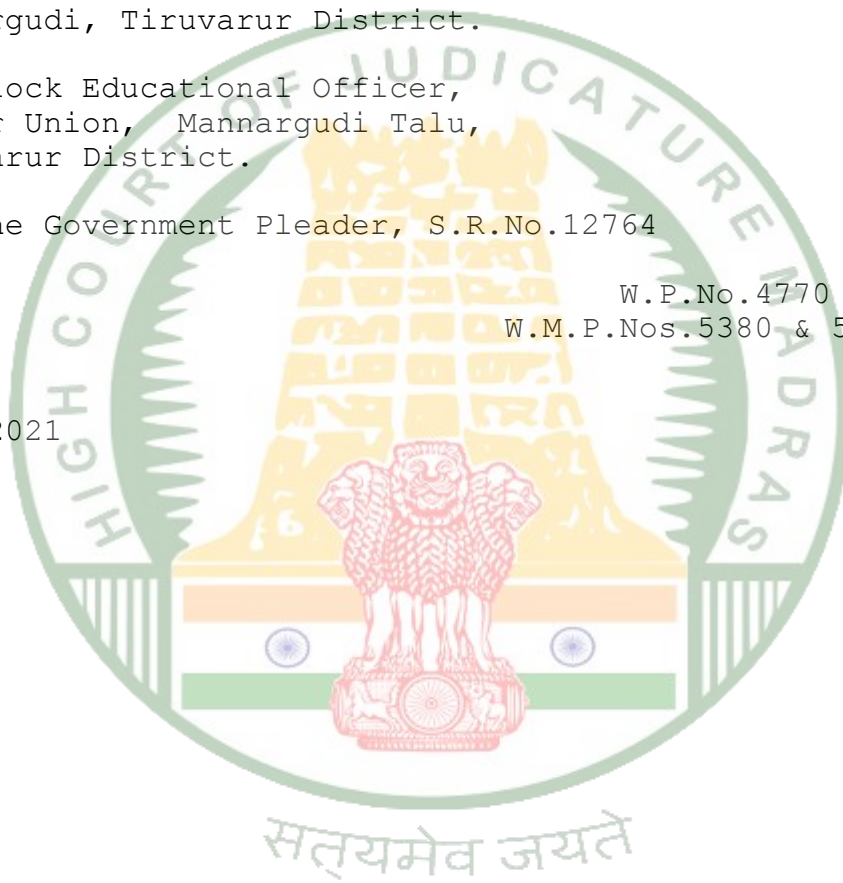
To

1. The Director of Elementary Education,  
DPI Campus, College Road,  
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+1cc to the Government Pleader, S.R.No.12764

W.P.No.4770 of 2021 and  
W.M.P.Nos.5380 & 5381 of 2021

AJB (CO)  
CS/20/04/2021



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