



W.P.(MD)Nos.24917 of 2022 & 1303 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.24917 of 2022

and

W.P(MD)No.1303 of 2023

and

W.M.P(MD)Nos.1196 and 1198 of 2023

W.P(MD)No.24917 of 2022

A.Savariraj

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai,
Pudukottai District.

2.The Correspondent,
St. Thomas Higher Secondary School,
Nazareth, Kunnathur Post,
Pudukottai District – 621 316.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to approve the promotion of the petitioner as Post Graduate Assistant (History) in the second respondent school with effect from the date of



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promotion ie., 01.10.2022 with all monetary and service benefits within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For R-1 : Mr.J.Amjad Khan,
Government Advocate
For R-2 : Mr.S.Savarimuthu, for

W.P(MD)No.1303 of 2023:

A.Savariraj ... Petitioner

Vs.

- 1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai,
Pudukottai District.
- 2.The Superintendent of Schools,
Diocesan Educational Council,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Correspondent,
St. Thomas Higher Secondary School,
Nazareth, Kunnathur Post,
Pudukottai District – 621 316.

4.Mr.I.Leo Victor ... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 05.11.2022 on the file of the second respondent and quash the same as illegal and consequently to direct the first respondent to approve the promotion of the petitioner as Post Graduate Assistant(History) in the second respondent School with effect from the date of promotion ie., 01.10.2022 with all monetary and service benefits within the time stipulated by this Court.

For Petitioner	: Mr.S.Louis
For R-1	: Mr.T.Ajmad Khan, Government Advocate
For R-2 & R-3	: Mr.S.Savarimuthu for

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, the writ petitions are disposed of by way of this common order.

2. The learned counsel appearing for the petitioner would submit that the respondent School namely St. Thomas Higher Secondary School, Nazareth, is a minority aided school, in which, one Arul Joseph Pandian, who was working as Post Graduate Assistant(History) in the sanctioned post, retired from service on 30.09.2022. Thereafter, the petitioner was appointed in the said post by way of promotion on 01.10.2022. The



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school management also sent a proposal to the first respondent for approval of the petitioner's promotion. As the same was not considered, the petitioner has filed the writ petition in W.P(MD)No.24917 of 2022, seeking for a directing to the first respondent Chief Educational Officer, Pudukottai District, to approve the promotion of the petitioner as Post Graduate Assistant(History) with effect from the date of promotion ie., 01.10.2022 with all monetary and service benefits. While being so, the Superintendent of Schools, Trichirappalli District, has passed the impugned order, dated 05.11.2022, promoting the fourth respondent to the post of Post Graduate Assistant(History) in the respondent School with effect from 08.11.2022 and based on such order, the petitioner was asked to step down to the post of B.T.Assistant(History). Challenging the said order, the petitioner has filed W.P(MD)No.1303 of 2023.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the official respondent, the learned counsel appearing for the respondents/school management and perused the materials placed before this Court.



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4. The learned counsel appearing for the respondent/school management reports no instructions.

5. Since no adverse order is passed against the private respondents including the private individual, notice to the private respondents is dispensed with.

6. Admittedly, the respondent/school management as well as the Superintendent of Schools, Diocesan Educational Council, Tiruchirappalli District, appointed the petitioner as well as the private individual fourth respondent as Post Graduate Assistant(History) in the vacancy arose due to the retirement of one Arul Joseph Pandian. The petitioner was given promotion on 01.10.2022 whereas the fourth respondent was given promotion on 05.11.2022. Admittedly, both the appointments were not approved and the same is pending before the first respondent Chief Educational Officer, Pudukottai District.



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7. In view of the above, this Court without expressing any opinion on the merits of the matter, directs the first respondent to conduct an enquiry between the petitioner and the respondents 2 to 4, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, these writ petitions are disposed of.
No Costs. Consequently, connected miscellaneous petitions are closed.

31.01.2023

PM

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai,
Pudukottai District.

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M.DHANDAPANI, J.

pm

W.P.(MD)Nos.241917 of 2022 and 1303 of 2022

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