

A. Seenivasagan Vs. The Joint Director of School Education, Chennai and Others

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Court : Chennai Madurai

Decided On : Nov-30-2015

Judge : D. Hariparanthaman

Appeal No. : W.P(MD)No. 21280 of 2015 & M.P.(MD) No. 1 of 2015

Appellant : A. Seenivasagan

Respondent : The Joint Director of School Education, Chennai and Others

Judgement :

(Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order issued by the 1st respondent vide Na.Ka.No.5376/C3/E2/15 dated 29.10.2015 and quash the same as illegal and consequently direct the 1st respondent to give promotion to the petitioner as per the seniority in the final seniority panel Na.Ka.No.5376/C3/E2/15 dated 25.07.2015.)

1. The petitioner is working as Secondary Grade Teacher at Government Higher Secondary School in Chockalingapuram, Madurai. According to the petitioner, his name was included in the panel for promotion to the post of B.T.Assistant (Maths) as on 01.01.2015 by the Joint Director of School Education (Personnel), the first respondent herein, in the proceedings in Na.Ka.No.5376/C3/E2/15 dated

25.07.2015. He shown at Sl.No.43 in the said panel. However, the first respondent passed the impugned order in Na.Ka.No. 5376/C3/E2/15 dated 29.10.2015 deleting his name from the panel on the ground that he studied B.Sc., and B.Ed. degree simultaneously. As per the impugned order, the petitioner studied B.Sc.,(Maths) during July 2009 and June 2012, while he studied B.Ed. degree during 2010.

2. According to the learned counsel for the petitioner, the petitioner joined B.Ed. degree in January 2009 and also joined B.Sc.,(Maths) degree in July 2009. However, according to him, he discontinued B.Sc., course and he passed B.Ed., degree in 2010. Thereafter, he again joined B.Sc., (Maths) from 2011 and he passed B.Sc., (Maths) in 2014. In any event, the learned counsel for the petitioner has submitted that the impugned order is passed deleting his name from the panel without notice and without hearing the petitioner.

3. In these circumstances, the writ petition is allowed to the extent of setting aside the impugned order and remanding the matter back to the first respondent to pass fresh order after hearing the petitioner within a period of three weeks from today. The petitioner is directed to send a representation to the first respondent enclosing about the aforesaid fact to the effect that he passed 2010 and thereafter joined B.Sc., (Maths) in 2011 “ 2012 and passed out in 2014 and also a copy of the judgment. No costs. Consequently, connected M.P.(MD) No.1 of 2015 is closed.

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