



WEB COPY



W.A.NO.1231 OF 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.07.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**W.A.NO.1231 OF 2023  
AND  
CMP NO.12450 OF 2023**

- 1.State of Tamilnadu  
Rep. By its Secretary to Government  
of School Education Department  
Fort St. George,  
Chennai – 600 009.
  - 2.The Director of Elementary Education  
DPI Campus College Road,  
Chennai – 600 006.
  - 3.The Chief Educational Officer  
O/o. The Chief Educational Officer  
Nagapattinam, Nagapattinam District.
  - 4.The District Educational Officer  
O/o. The District Educational Officer  
Nagapattinam, Nagapattinam District.
  - 5.The Block Educational Officer  
O/o. The Block Educational Officer  
Thalanayar,  
Nagapattinam District.
- ... Appellants

**Vs.**



W.A.NO.1231 OF 2023

N.Selvam  
B.T.Assistant  
Panchayat Union Middle School  
Pirunjumoolai, Talanayar Union,  
Nagapattinam District.

... Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 08.03.2021 passed in W.P.No.5248 of 2021.

For Appellants : Dr.R.Gouri  
Government Counsel

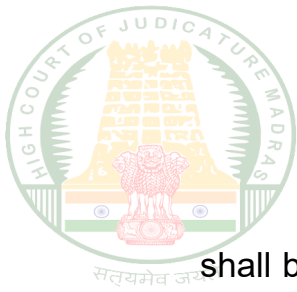
For Respondent : Served - No appearance

### **J U D G M E N T**

**(Judgment of the Court was made by S.M.Subramaniam, J.)**

The writ order dated 08.03.2021 passed in W.P.No.5248 of 2021 is under challenge in the present intra court appeal. The appellants are the respondents in the writ petition.

2.The learned Government Counsel appearing on behalf of the appellants would submit that a Division Bench of this Court considered the scope of the Special Rules namely Tamil Nadu Elementary Education Subordinate Service Rules, in W.A.No.107 of 2022. The said Rules provide that the Headmaster of a Middle School



W.A.NO.1231 OF 2023

shall be appointed by promotion from Class 2 and Category 1 of Class 3 of services in combined seniority. However, the Government Order amending the Special Rules for the Tamil Nadu Elementary Education Subordinate Service in G.O.(Ms) No.243, School Education (EE1(1)) Department, dated 21.12.2023 was not brought to the notice of the Division Bench at the time of hearing the writ appeal in W.A.No.107 of 2022.

3.For ease of reference, the amendment made to the Special Rules for the Tamil Nadu Elementary Education Subordinate Service, in G.O.(Ms) No.243 is extracted hereunder:

**“AMENDMENTS**

*In the said Special Rules -*

*1.In rule 2, in the tabular column, for the entries, -*

*(a) in column (3) against the entry “2. Headmaster / Headmistress of Middle School” in column (2), the following entry shall be substituted, namely:-*

***“By promotion from the categories in class II”.***

*(b) in columns (2) and (3) against the entry “II” in column (1), the following entries shall, respectively, be substituted, namely:-*



W.A.NO.1231 OF 2023

(2)

(3)

WEB COPY

*“1. Graduate Teacher  
(Tamil)*

*(i) By promotion  
from the eligible  
persons in category  
1 of class III*

*2. Graduate Teacher  
(Other than Tamil)*

*(or)*

*3. Graduate Teacher  
(Subjects)*

*(ii) If no qualified and  
suitable candidate is  
available for  
promotion, by direct  
recruitment.”*

4. The learned Government Counsel would submit that as per the amendment made in the Special Rules for the Tamil Nadu Elementary Education Subordinate Service, the respondent in the present writ appeal would get an opportunity for promotion in accordance with the rules. The amendment to the Special Rules makes it clear that the method of appointment is “by promotion from the categories in class II”. However, the writ appeal in W.A.No.107 of 2022 was decided based on the erstwhile Government Order, which states that the “Headmaster of a Middle School shall be appointed by promotion from Class 2 and Category 1 of Class 3 of services in combined seniority”.



W.A.NO.1231 OF 2023

WEB COPY

5. In view of the fact that the grievance of the respondent will be redressed in view of the amendment made to the Special Rules for Tamil Nadu Elementary Education Subordinate Service, no further adjudication is required and the writ appeal stands disposed of. However, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S., J.]

[N.S., J.]

**08.07.2026**

Index : Yes  
Speaking Order : Yes  
Neutral Citation : Yes / No  
TK



WEB COPY



W.A.NO.1231 OF 2023

**S.M.SUBRAMANIAM, J.**

**AND**

**N.SENTHILKUMAR, J.**

TK

**WA NO.1231 OF 2023**

**08.07.2026**

*Page No.6 of 6*