

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP No. 8509 of 2023, WP NO. 8513 OF 2023, WP NO. 8518 OF 2023,
WP NO. 8523 OF 2023 and WMP NO. 8699 OF 2023, WMP NO. 8701 OF
2023, WMP NO. 8704 OF 2023, WMP NO. 8706 OF 2023**

WP No. 8509 of 2023

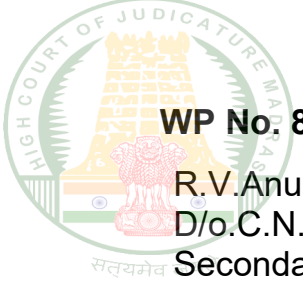
C.Mary Stella Bai
W/o.M.Rajamani,
Secondary Grade Teacher,
Chennai Boys Higher Secondary School,
Saidapet, Chennai-600 015.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary to the
Government, School Education Department,
Fort St. George, Chennai-600 009.
2. The Commissioner of School Education
College Road, Chennai-600 006.
3. The Commissioner
Chennai Corporation, Rippon Buildings,
Chennai-600 003.
4. The Assistant Commissioner (Education)
Chennai Corporation, Rippon Buildings,
Chennai-600 003.
5. The Educational Officer
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

..Respondent(s)



WP No. 8513 of 2023

R.V.Anuradha
D/o.C.N.Ramanujam,
Secondary Grade Teacher,
Chennai Boys Higher Secondary School,
Saidapet, Chennai-600 015.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary to the
Government, School Education Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of School Education
College Road, Chennai-600 006.
3. The Commissioner
Chennai Corporation, Rippon Buildings,
Chennai-600 003.
4. The Assistant Commissioner (Education)
Chennai Corporation, Rippon Buildings,
Chennai-600 003.
5. The Educational Officer
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

..Respondent(s)

WP No. 8518 of 2023

R.Jayalakshmi
D/o.R.Rajagopalan,
Secondary Grade Teacher, Chennai Girls Higher
Secondary School, No.2, West Jones Road,
West Saidapet, Chennai-600 015.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary to the
Government, School Education Department,
Fort St.George, Chennai-600 009.



2. The Commissioner of School Education
College Road, Chennai-600 006.

3. The Commissioner
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

4. The Assistant Commissioner (Education)
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

5. The Educational Officer
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

..Respondent(s)

WP No. 8523 of 2023

K.Sumathi
W/o.M.Ravichandran,
Secondary Grade Teacher, Chennai Higher
Secondary School, Bunder Garden, Perambur,
Chennai-600 011.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary to the
Government, School Education Department,
Fort St.George, Chennai-600 009.

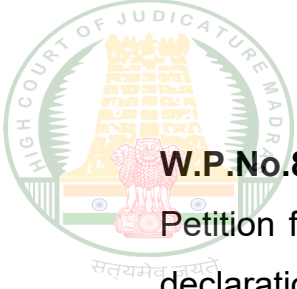
2. The Commissioner of School Education
College Road, Chennai-600 006.

3. The Commissioner
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

4. The Assistant Commissioner (Education)
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

5. The Educational Officer
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

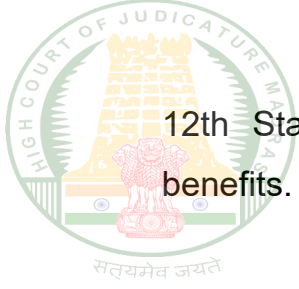
..Respondent(s)

**W.P.No.8509 of 2023:**

Petition filed under Article 226 of Constitution of India for issuance of writ of declaration to declare Rule 2(ii)(b) and (iii)(a) of Tamil Nadu Higher Secondary Educational Service Rules re-issued in G.O.Ms.No.14 School Education (SE2(1) Department dated 30.01.2020, in so far as it excludes qualified Secondary Grade Teacher, possessing B.Com, M.Com. with B.Ed., by way of recruitment by transfer, to the post of P.G.Assistant Commerce, as null and void, ultra vires of the Article 14 and 16 of the Constitution of India and issue a consequential direction to the respondents to consider the case of qualified Secondary Grade Teachers like Petitioners, under Recruitment by transfer to the post of P.G.Assistant Commerce, along with Vocational Instructors Commerce and Ministerial staff, by allotting adequate number of vacancies, and to post the petitioner as P.G.Assistant in Commerce, from the date when the petitioner is directed to teach Commerce subject to 11th and 12th Standard in Higher Secondary School, with service and monetary benefits.

WP No. 8513 of 2023

Petition filed under Article 226 of Constitution of India for issuance of writ of declaration to declare, Rule 2(ii)(b) and (iii)(a) of Tamil Nadu Higher Secondary Educational Service Rules re-issued in G.O.Ms.No.14 School Education (SE2(1) Department dated 30.01.2020, in so far as it excludes qualified Secondary Grade Teacher, possessing B.Com, M.Com. with B.Ed., by way of recruitment by transfer, to the post of P.G.Assistant Commerce, as null and void, ultra vires of the Article 14 and 16 of the Constitution of India and issue a consequential direction to the respondents to consider the case of qualified Secondary Grade Teachers like Petitioners, under Recruitment by transfer to the post of P.G.Assistant Commerce, along with Vocational Instructors Commerce and Ministerial staff, by allotting adequate number of vacancies, and to post the petitioner as P.G.Assistant in Commerce, from the date when the petitioner is directed to teach Commerce subject to 11th and



12th Standard in Higher Secondary School, with service and monetary benefits.

WP No. 8518 of 2023

Petition filed under Article 226 of Constitution of India for issuance of writ of declaration to declare, Rule 2(ii)(b) and (iii)(a) of Tamil Nadu Higher Secondary Educational Service Rules re-issued in G.O.Ms.No.14 School Education (SE2(1) Department dated 30.01.2020, in so far as it excludes qualified Secondary Grade Teacher, possessing B.Com, M.Com. with B.Ed., by way of recruitment by transfer, to the post of P.G.Assistant Commerce, as null and void, ultra vires of the Article 14 and 16 of the Constitution of India and issue a consequential direction to the respondents to consider the case of qualified Secondary Grade Teachers like Petitioners, under Recruitment by transfer to the post of P.G.Assistant Commerce, along with Vocational Instructors Commerce and Ministerial staff, by allotting adequate number of vacancies, and to post the petitioner as P.G.Assistant in Commerce, from the date when the petitioner is directed to teach Commerce subject to 11th and 12th Standard in Higher Secondary School, with service and monetary benefits

WP No. 8523 of 2023

Petition filed under Article 226 of Constitution of India for issuance of writ of declaration to declare, Rule 2(ii)(b) and (iii)(a) of Tamil Nadu Higher Secondary Educational Service Rules re-issued in G.O.Ms.No.14 School Education (SE2(1) Department dated 30.01.2020, in so far as it excludes qualified Secondary Grade Teacher, possessing B.Com, M.Com. with B.Ed., by way of recruitment by transfer, to the post of P.G.Assistant Commerce, as null and void, ultra vires of the Article 14 and 16 of the Constitution of India and issue a consequential direction to the respondents to consider the case of qualified Secondary Grade Teachers like Petitioners, under Recruitment by transfer to the post of P.G.Assistant Commerce, along with Vocational



WEB COPY

Instructors Commerce and Ministerial staff, by allotting adequate number of vacancies, and to post the petitioner as P.G.Assistant in Commerce, from the date when the petitioner is directed to teach Commerce subject to 11th and 12th Standard in Higher Secondary School, with service and monetary benefits.

For Petitioner(s): Mr.R.Saseetharan
(in all Writ Petitions)

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1 & R2,

Mr.S.Gopinathan for R3 to R5
(in all Writ Petitions)

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

These Petitions have been instituted to declare Rule 2(ii)(b) and (iii)(a) of Tamil Nadu Higher Secondary Educational Service Rules re-issued in G.O.Ms.No.14 School Education (SE2(1) Department dated 30.01.2020, insofar as it excludes qualified Secondary Grade Teacher, possessing B.Com, M.Com. with B.Ed., by way of recruitment by transfer, to the post of P.G.Assistant Commerce, as null and void, ultra vires Articles 14 and 16 of the Constitution of India and issue a consequential direction to the respondents to consider the case of qualified Secondary Grade Teachers like Petitioners, under Recruitment by transfer to the post of P.G.Assistant Commerce, along with Vocational Instructors Commerce and Ministerial staff, by allotting adequate number of vacancies, and to post the petitioner as P.G.Assistant in



Commerce, from the date when the petitioners are directed to teach Commerce subject to 11th and 12th Standard in Higher Secondary School, with service and monetary benefits.

2.The writ petitioner in WP No.8509 of 2023, Tmt.Mary Stella Bai, retired from service and the other writ petitioners are continuing in service.

3.Mr.R.Saseetharan, learned counsel appearing on behalf of the writ petitioners would mainly contend that all the writ petitioners are fully qualified for promotion to the post of PG Assistant in higher secondary schools. Their services are utilized during exigencies and they continue to teach higher secondary students in emergency situations. Therefore, their claim to promote them to the post of PG assistant is to be considered. In this context, he would draw the attention of this Court with reference to Section 37 of the Tamil Nadu Higher Secondary Educational Service Rules, wherein promotion to the post of PG Assistant is given to the employees working in Tamil Nadu Ministerial Services in School Education Department. When ministerial side employees are granted promotion to teaching line to the post of PG Assistant, the secondary grade teachers working in high schools are to be given an opportunity for promotion to the post of PG Assistant.

4.Dr.R.Gouri, learned Government counsel would submit that promotion opportunities are available to the secondary grade teachers for promotion to



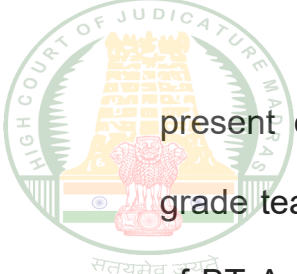
the post of PG assistants. The Government amended the rules by G.O.Ms.No.261, School Education Department dated 09.12.2024, removing the earlier 2% "Recruitment by Transfer" quota for ministerial staff and included the same in direct recruitment. Since the 2% allocation has been included in 10% reservation for Secondary Grade Teachers at the time of direct recruitment, the ministerial staff should also compete in the direct recruitment competitive examination after this to get selected as PG Assistant with effect from 09.12.2024. The learned Government counsel would further contend that similar relief sought for in W.P.No.3842 of 2019 was dismissed by the High Court stating that promotion can never be claimed as a matter of right. Regarding the rule position, paragraph 7 of the counter affidavit filed by the Director School Education reads as under:

"It is submitted that as per Rule 2 of the Special Rules framed under G.O.(Ms).No.14 dated 30.1.2020. Only Graduate Teachers (BT Assistants) and Deputy Inspector of Schools are feeder categories for promotion as Post Graduate Assistants. Secondary Grade Teachers are not eligible for promotion as Post Graduate Assistant skipping one category of post in between, under any circumstances. Secondary Grade Teacher is the feeder category for the Graduate Teacher Post according to Tamil Nadu School Educational Subordinate Service special rules G.O.Ms.No.13 SED Dated 30.01.2020."



5.Mr.S.Gopinathan, learned counsel appearing on behalf of the Corporation would submit that claim of the petitioners is untenable, in view of the fact that they are entitled for regular promotion to the post of BT Assistant and Headmaster in their service. In respect of the rule position, he would sail along with the learned Government counsel.

6.This Court is of the considered view that equal opportunity in promotion must be provided as claimed by the petitioners. However, equality clause is to be applied amongst equals and not amongst the unequals. Secondary Grade Teachers and PG Assistants are different categories. There are no regular promotional opportunities to the post of PG Assistant from the post of secondary grade teacher. It is not as if, no promotion opportunities are provided to the category of secondary grade teachers within their services. They have been provided with promotional opportunities to the post of BT Assistant and Headmaster. Therefore, seeking promotion to the post of PG Assistant from the post of secondary grade teacher cannot be granted by this Court, in exercise of powers of judicial review. However the Government has taken a policy decision and provided a quota to the secondary grade teachers for promotion to the post of PG Assistant. Therefore the case of the writ petitioners are to be considered within the quota allotted under the rules for promotion to the post of PG Assistant. But, they cannot seek promotion as a matter of right as held by this Court in a catena of judgments. Creating promotional avenues is a policy decision of the Government and in the



WEB COPY

present case promotional avenues are available to the post of secondary grade teachers and that being the fact, claiming further promotion to the post of BT Assistant is untenable, since opportunity has already been provided to the secondary grade teachers to secure promotion to the post of PG Assistant, provided they possess the requisite qualification under the relevant service rules in force.

7. With these observations, these Writ Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
16-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

sai



To

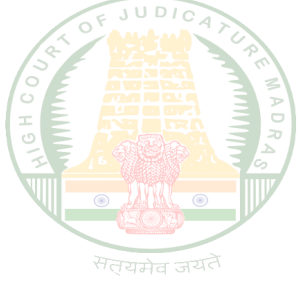
1. The Government of Tamil Nadu
Rep. by the Principal Secretary to the Government,
School Education Department, Fort St. George,
Chennai-600 009.

2. The Commissioner of School Education
College Road, Chennai-600 006.

3. The Commissioner
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

4. The Assistant Commissioner (Education)
Chennai Corporation, Rippon Buildings,
Chennai-600 003.

5. The Educational Officer
Chennai Corporation, Rippon Buildings,
Chennai-600 003.



WEB COPY



S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.
sai

**WP No. 8509 of 2023, WP NO. 8513 OF 2023,WP NO. 8518 OF 2023,
WP NO. 8523 OF 2023 and WMP NO. 8699 OF 2023,WMP NO. 8701 OF
2023, WMP NO. 8704 OF 2023,WMP NO. 8706 OF 2023**

16-07-2026