

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.11969 of 2016
and
W.M.P.No.10344 of 2016

Tamil Nadu Higher Secondary
Postgraduate Teachers' Association
(Registration No.160/1980)
rep.by its State Head Quarters
Secretary P.Balasubramanian
No.159, Gengu Reddy Salai
Egmore, Chennai 600 008. Petitioner

Versus

1. The State of Tamil Nadu
rep.by its Secretary
School Education Department
Fort St.George, Chennai 600 009.
2. The Director of School Education
DPI Campus
College Road
Chennai 600 006. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent herein in G.O.Ms.No.720 dated 28.04.1981 insofar as Rule 2(b)(1) as amended by G.O.Ms.No.262 dated 11.08.1999 insofar as the fixation of ratio for promotion to the post of Higher Secondary Headmaster between the High School Head Masters and the PG Assistants as 2:5; to quash the same and to further direct the respondents to fix the ratio for promotion to the post of Higher Secondary Headmaster based upon the present cadre strength between PG Assistants and High School Headmasters.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents : Mr.R.Ravichandran
Additional Government Pleader

O R D E R

(Order of the Court was made by HULUVADI G.RAMESH,J.,)

The petitioner is an Association of Post Graduate Teachers of Tamil Nadu Higher Secondary Schools.

2. The grievance of the petitioner-Association is that the ratio for promotion to the post of Higher Secondary Head Master has not been so far fixed as per the cadre strength as mandated in G.O.Ms.No.1069 dated 13.10.1984. According to them, insofar as the post of Higher Secondary Headmaster is concerned, the same is comprised in Category 1 of Class 1 of the Tamil Nadu Higher Secondary School Educational Service vide G.O.Ms.No.720, Education Department dated 28.04.1981. The method of recruitment to the said post is by way of promoting Class II and Class III of the said service, i.e., P.G.Assistants in academic subjects and languages and Physical Directors Grade I and recruitment by transfer from Class V of Tamil Nadu School Education Service. Originally the ratio of promotion and recruitment vide transfer was 1:1. Subsequently, the Government fixed guidelines to be followed for promotion for the feeder category of similar scales of pay and those who have different scales of pay vide G.O.Ms.No.1069 dated 13.10.1984. It is their further contention that pursuant to the proposals sent by the Director of School Education, the ratio for promotion and transfer between the High School Headmasters and Post Graduate Assistants have been refixed in the ratio 2:5 as per G.O.Ms.No.1619 dated 18.10.1988.

3. The learned counsel representing the petitioner-Association submits that if such extension of benefit as per the ratio of ***1:8** is not extended to the teachers belonging to the petitioner-Association they will not have any avenue of promotion during their service time as they are all on the verge of retirement. It is her further argument that though several representations have been submitted to the respondents, way back from the year 2013 to consider their case by granting promotion in the ratio of ***1:8**, till date the respondents have not considered the same and passed orders thereon. Hence the present writ petition.

4. Heard the learned counsel appearing for the petitioner-Association and the learned Additional Government Pleader appearing for the respondents.

5. Since it is submitted that the members of the petitioner's Association are on the verge of retirement and that the principle of equality and parity for promotion have to be considered, it is for the respondent-Department to consider the pending representation dated 18.11.2013 and also if need be,

seek further detailed facts from the petitioner-Association, which will be considered by the respondents at the earliest possible time, preferably, within a period of three months from the date of receipt of a copy of this order, to meet the ends of justice.

6. Inasmuch as no orders have been passed till date, it only appears that the representation submitted by the petitioner-Association would have been misplaced by the Government. Hence to ensure for speedy decision to be taken by the Department, a copy of this order along with the representation dated 18.11.2013 be submitted by the petitioner-Association to the respondents 1 and 2 and on receipt of such representation, the respondents shall consider the same and pass orders thereon in accordance with law. The petitioner-Association is also at liberty to enclose the respective Government Orders, which they rely on, along with their representation for passing appropriate orders.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS VII)

***Amended as per the Order of this
Hon'ble Court dated 22.06.2016 made
in W.P.No.11969 of 2016.**

Sd/- Assistant Registrar (CS VI)

Dated : 28.06.2016

True Copy

Sub-Assistant Registrar

To

1. The Secretary
State of Tamil Nadu
School Education Department
Fort St.George, Chennai 600 009.

To be Substituted to the
Order already despatched

2. The Director of School Education
DPI Campus
College Road
Chennai 600 006.

on 09.05.2016.

+1 cc to M/s.Dakshayani Reddy Advocate sr.23138

W.P.No.11969 of 2016

aa28/04/2016

CA(28.06.2016)