

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13184 of 2016

1.S.Nandakumar
2.S.Bakthavatchalam
3.R.Saravanan
4.V.Balachandran
5.A.Arun Kumar

... Petitioners

-vs-

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.

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

3.The Joint Director of
School Education (Higher Secondary),
DPI Campus, College Road,
Chennai 600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to consider the petitioners for promotion to the post of PG Assistant in History academic subject, by restricting the promotion only to the teachers qualified with same subject both in UG & PG by suitably amending the ratio in rule 2 in Annexure 2 of Special Rules for Tamil Nadu Higher Secondary Educational Services Rules on par with PG Assistant in English and in the light of G.O. Ms. No.152 School Education (HS2) Department dated 14.07.2008 by considering the representation submitted by the petitioner, within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioners, seeking a direction to the respondents to consider them for promotion to the post of PG Assistant in History, by restricting the promotion only to the teachers qualified with the same subject both in UG & PG by suitably amending the ratio in Rule 2 in Annexure 2 of Special Rules for Tamil Nadu Higher Secondary Educational Services Rules on par with PG Assistant in English and in the light of G.O. Ms. No.152 School Education (HS2) Department dated 14.07.2008 by considering their representation, within a time frame to be fixed by this Court.

2.Learned counsel appearing for the petitioners would submit that the petitioners, who are working as B.T. Assistant (History), by acquiring PG qualification in History with B.Ed., eligible for promotion to the post of PG Assistant in History. The grievance of the petitioners is that since they are working as B.T. Assistant (History), which is coming under the academic subject, they are governed by Rule 2 in Annexure of the Special Rules relating to PG Assistant in academic subject. Therefore, according to the Special Rules, the post of PG Assistant in the academic subject including the post of PG Assistant in History to be filled up by recruitment by transfer with teacher having B.T. Assistant qualification with Master Degree in the subjects. It is further submitted that since the claim of the teachers, qualified in the subject viz. English both in UG and PG, has been considered by the Government by passing the Government Order in G.O. Ms. No.152 School Education Department dated 14.07.2008 giving 1:1 ratio for the post of PG Assistant in English, the claim of the teachers in the academic subject namely History, possessing same qualification both in UG and PG, has not been considered. In this regard, the petitioners have given a representation to implement the said G.O. But, till date, the same has not been considered. Therefore, he prays for direction to the respondents to consider the petitioners' promotion to the post of PG Assistant in History academic subject in the light of the above said G.O.

3.Heard the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents.

4.Considering the limited prayer sought for by the petitioners, without going into the merits of the case, the first respondent is directed to consider the petitioners' representation dated 29.02.2016 and pass orders, on merits and in accordance with law and in the light of G.O. Ms. No.152 School Education Department dated 14.07.2008, within a period of ten weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.
vga

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.

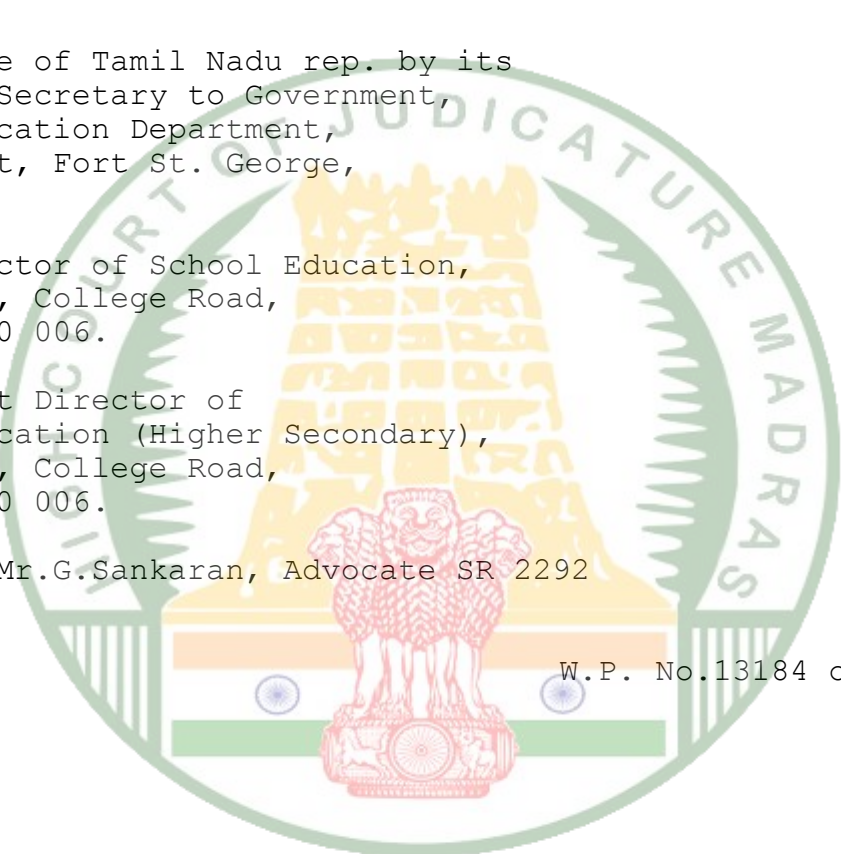
2.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The Joint Director of
School Education (Higher Secondary),
DPI Campus, College Road,
Chennai 600 006.

+ 1 cc to Mr.G.Sankaran, Advocate SR 2292

svi(co)
prk24/5

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The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

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