



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice T.RAJA

WMP(MD) Nos.11260 and 11261 of 2016

IN

WP(MD) No.15288 of 2016

N.RAJA KRISHNAN,

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVT.,
SCHOOL EDUCATION DEPT.,
SECRETARIAT, CHENNAI 9

2 THE JOINT DIRECTOR
SCHOOL EDUCATION (HR.SEC) ,
O/O.THE JOINT DIRECTORATE SCHOOL EDUCATIONAL OFFICE,
DPI COMPOUND, CHENNAI 6

3 THE CHIEF EDUCATIONAL OFFICER
O/O.THE CHIEF EDUCATIONAL OFFICE,
THENI, THENI DISTRICT

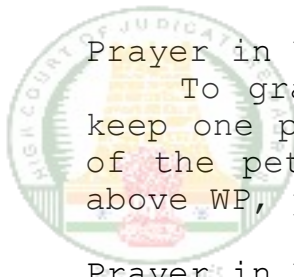
4 THE HEADMASTER
GOVT. HR.SEC.SCHOOL. RAJENDRA NAGAR,
THENI DISTRICT

5 THE CHAIRMAN
TEACHERS RECRUITMENT BOARD,
4TH FLOOR, EVK SAMPATH MALIGAI,
COLLEGE ROAD, CHENNAI 6

... RESPONDENTS/RESPONDENTS
IN BOTH THE PETITIONS

Prayer in WMP(MD). 11260/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an ad interim direction directing the 3rd respondent to permit the petitioner to take part in the promotion counselling scheduled to be held on 22.08.2016) by taking into consideration of the rank assigned by the TRB for the purpose of seniority pending disposal of the above WP



Prayer in WMP(MD). 11261/ 2016 :

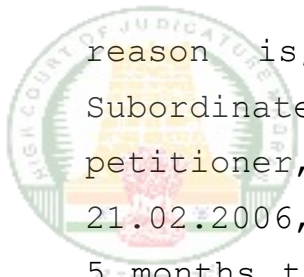
To grant an ad interim direction to direct the respondents to keep one post of P.G.Assistant (Physics) vacant for the appointment of the petitioner by promotion in the event of his success in the above WP, pending disposal of the above WP

Prayer in WP(MD). 15288/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to direct the 2nd respondent to include the name of the petitioner in the revised panel of B.T.Assistants fit for promotion to the post of P.G.Assistants published by the 2nd respondent in his proceedings Nil dated Nil (communicated to the School through E-mail on 22.07.2016) at an appropriate place (i.e.between serial No.67 & 68) taking into consideration of the rank assigned by the Teacher Recruitment Board within the period that may be stipulated by this Honble court

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.AJMAL ASSOCIATES, Advocate for the petitioner in both the petitions and MR.AAIYURAM K.SELVAKUMAR, Government Advocate for the Respondents in both the petitions the court made the following order:-

Learned counsel appearing for the petitioner would submit that the petitioner was originally appointed as 'Junior Assistant' on 15.09.2000 in the Public Works Department through the TNPSC. However, after appearing in the Test conducted by the Teacher Recruitment Board for the post of BT Assistant, he was selected and appointed so on 21.02.2006. He joined duty in the post of BT Assistant only on 27.07.2006 after issuance of the relieving order, dated 24.07.2006. In this background, the claim of the petitioner is that, as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules, the petitioner's seniority has to be fixed only from the date of his appointment, namely, 21.02.2006 for the purpose of including his name in the ensuing promotional council. Learned counsel would also point out that the ranking by the Teachers Recruitment Board places the petitioner at S.No.156. While so, neither the date of appointment on 21.02.2006, nor the Teachers Recruitment Board's ranking as 156 has been followed in the present case, therefore, a direction should be given, he pleaded.



reason is, application of Rule 35(a) Tamil Nadu State and Subordinate Service Rules will arise in a case, where the petitioner, after his appointment to the post of BT Assistant on 21.02.2006, joined on the very same date. Admittedly, he has taken 5 months time to join in the post of BT Assistant that is only on 27.02.2006. Therefore, the interim relief sought for cannot be granted. Accordingly, these miscellaneous petitions are dismissed.

sd/-
18/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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REP.BY ITS SECRETARY TO GOVT., SCHOOL
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+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.46257

ORDER
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IN
WP(MD) No.15288 of 2016
Date :18/08/2016