



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.08.2016
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P(MD) .No.12706 of 2016

and
WMP(MD) .Nos.9609 and 9610 of 2016

Murphy Israel

...Petitioner

Vs.

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

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondent for promotion to the post of Higher Secondary School Headmaster by reckoning seniority from the date of her initial appointment to the post of PG Assistant on 06/10/1997 as per Teacher Recruitment Board Rank No.40 and consequently promote the petitioner to the post of Higher Secondary School Headmaster with all consequential and other attendant benefits.

For petitioner : Mr.F.Deepak

for Mr.G.Sankaran

For respondents : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

ORDER

The petitioner, after her selection through the Teachers Recruitment Board, (in short 'TRB') to the post of P.G.Assistant (Zoology), was posted in Kallar Reclamation School coming under MBC Department instead of School Education Department. In this regard, when similarly placed persons made representations through the Association, the Government had issued orders in G.O.Ms.No.7, School Education Department, dated 17.01.2002, to transfer the teachers selected through TRB in the year 1997 for School Education Department, but allotted to other Departments, back to the School Education Department, as a special case. Accordingly, the petitioner was posted at the Government Higher Secondary School, Seranmahadevi, Tirunelveli District, as per the orders of the Joint Director of School Education, dated 06.01.2003.

<https://hcservices.ecourts.gov.in/hcservices/> The grievance of the petitioner in this Writ Petition is that, instead of reckoning her seniority from the original date of appointment in the post of PG Assistant on 06.10.1997 and her



TRB ranking No.40, the respondents erroneously count her seniority only from the date of joining the School Education Department, i.e. from 06.01.2003. Hence, the petitioner is before this Court.

3. When a similar matter came up for decision in W.P. (MD).No.13839 of 2014, on 08.06.2014, the Principal Bench of this Court issued the following directions:-

"4.....

Accordingly, the following interim directions are given to the respondents:-

(I) The respondents shall permit the petitioners to participate in the counseling which is going to be held on 19.06.2014 provided they fall within the zone of consideration for promotion as Headmasters of Higher Secondary Schools and further they satisfy all other requirements and issue order of promotion accordingly.

(II) It is made clear that the promotion, if any, given to the petitioners as Headmasters of Higher Secondary Schools in the counseling to be held on 19.06.2014 shall be subject to the outcome of the Writ Petition in W.P.No.13839 of 2014.

(iii) The respondents shall comply with the above directions on production of a copy of this order by the petitioners.

(iv) Mr.Nagarajan, Law Officer of the second respondent is present in Court and he has taken note of this interim order passed by this Court."

4. Subsequently, the Government also issued proceedings in Na.Ka.No.87172/W1/E1/2013, dated 20.06.2014. In other words, the Government complied with the afore-said direction.

5. In the light of the above, this Writ Petition deserves to be allowed to the extent indicated in paragraph No.3 of this Order and accordingly, it is allowed. Consequently, the petitioner is permitted to participate in the Counseling to be held on 06.08.2016 and 07.08.2016. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

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



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

+1cc to M/s.F.Deepak, Advocate in SR.41730

+1cc to the Special Government Pleader, in SR.41867

W.P(MD) .No.12706 of 2016
03.08.2016

ssm

PBK/AAL-MPA/SAR-III 04/08/2016 ::3P-5C:: (IT)