

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NOS.16137 TO 16139 OF 2016
AND W.M.P.NOS.13935 TO 13940 AND 21244 OF 2016

W.P.No.16137 of 2016

R.Madesan

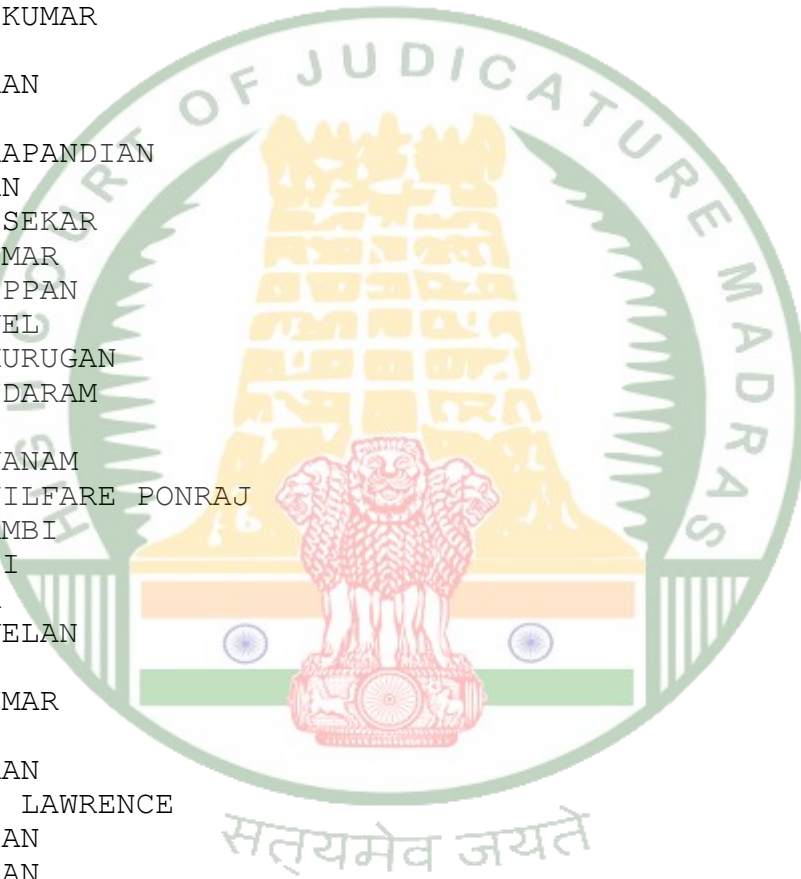
.. Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Dharmapuri.
5. Tamil Nadu Higher Secondary
Postgraduate Teachers' Association,
Regn No.160/1980
Represented by its President, Manivasagan,
159, Gengu Reddy Road, Egmore,
Chennai - 600 008.
[R-5 impleaded as per order dated 29/06/2016 in
W.M.P.Nos.18308 to 18310 of 2016 in
W.P.Nos.16137 to 16139 of 2016.]

- 6.N.MURUGESAN
- 7.M.CHINNASAMI
- 8.M.MURUGESAN
- 9.S.NAYASUDEEN
- 10.V.SADASIVAM
- 11.K.RAJKUMAR

12.M.KRISHNAN
13.D.SUBRAMANI
14.S.ARUNAGIRI
15.A.MUNUSAMY
16.K.MANI
17.P.MANIVANNAN
18.L.P.PONNUSAMY
19.K.PERIASAMY
20.ARU.DURAIKANNAN
21.R.ANBARASAN
22.K.ARULKUMARAN
23.R.SUNDAR
24.K.UDHAYA KUMAR
25.D.KANNAN
26.S.RAJENDRAN
27.S.KANNAN
28.P.SOUNDARAPANDIAN
29.RM.GANESAN
30.B.SATHYA SEKAR
31.C.MUTHUKUMAR
32.A.THILLAIPPAN
33.G.SAKTHIVEL
34.V.GNANA MURUGAN
35.P.SOMASUNDARAM
36.N.RAJA
37.K.POONGAVANAM
38.A.JOHN WILFARE PONRAJ
39.S.ARUL NAMBI
40. M.ANANDHI
41.R.CHANDRA
42.V.GNANA VELAN
43.A.AHILAN
44.S.RAVI KUMAR
45.M.MANI
46.G.RAVINDRAN
47.A.PHILLIP LAWRENCE
48.V.MADHAPPAN
49.S.VEDIAPPAN
50.G.BABU
51.M.NADIMUTHU
52.A.RAJAN
53.M.SANTHAMMA
54.M.RAMESH BABU
55.P.BHARATHI
56.J.KARTHEIKEYAN
57.M.BABY THERESA
58.R.ARUL RAJ
59.R.KANNAN
60.V.VELU
61.K.PALANISAMY



WEB COPY

62.K.ELANGO VAN
63.V.CHANDRASEKARAN
64.C.PANNEER SELVAM
65.G.NATARAJAN
66.P.SENTHIL KUMAR
67.M.KRISHNAMOORTHY
68.T.C.K.ANNADURAI
69.A.RAJA
70.P.V.KULANTHAIVEL
71. R.JAYAKUMAR
72.P.SELVARAJ
73.S.RAJESHWARI
74.R.VELMURUGAN
75.P.RISHIKESAN
76.A.GOPALAN
77.R.MURUGAN
78.P.VIJAYAKUMAR
79.M.SARGUNAM
80.J.Petra Elizabeth Chithra
81.M.ARULSELVAN

[R-6 to R-81 are impleaded as per Order dated 08.12.2016 in
W.M.P.Nos.22738, 23023, 23821, 24949, 29084, 29892
31485 and 36602/2016 in W.P.No.16137/2016.]

82.N.ANNADURAI
83.S.SRINIVASAN
84.G.MANIVANAN
85.K.LAKSHMANAN
86.A.RAJARAMAN
87.R.KANNABIRAN
88.S.J. GRACE ROSALIND
89.M.RAJENDRAN
90.M.ANANTHAN
91.A.TAMIZH SELVAN
92.M.RAVI
93.N.SUGANTHI
94.R.SAROJA
95.K.ELUMALAI
96.R.BALASUBRAMANIAN

[R-82 TO R-96 ARE IMPEADED AS PER ORDER DATED 02.02.2017
IN W.M.P.No.1508/2017 IN W.P.No.16137/2016.]

97.S.FIASUDEEN
98.T.YUVARAJ
99.G.ANGAPPAN
100.R.BALU
101.T.MUNIRAJ
102.E.ANANDAN
103.G.KASTURI KAVITHA
104.M.KAVITHA

105.K.RAJALAKSHMI
106.C.MADHAIYAN
107.C.SAMPATH KUMAR
108.M.SARAVANAN
109.M.C.KAMARAJ

[R-97 TO R-109 ARE IMPEADED AS PER ORDER DATED 02.02.2017
IN W.M.P.NO.1228/2017 IN W.P.NO.16137/2016.]

110.K.GOPAL
111.G.DHEVENDRAN
112.G.S.MANI
113.J.SETHURAMAN
114.S.RAJAPPA
115.S.SARAVANAN
116.V.SIVARAJ
117.P.ANBARASAN
118.H.MOORTHY

.. Respondents

[R-110 TO R-118 ARE IMPEADED AS PER ORDER DATED 02.02.2017
IN W.M.P.NO.1544/2017 IN WP.16137/2016.]

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent herein in Na.Ka.No.92931/C1-E1/15 dated 22.12.2015 and the consequential proceedings of the fourth respondent in Na.Ka.No.7695/A1/2015 dated nil.01.2016 so far as the inclusion of the promoted PG Assistants in the seniority list for appointment to the post of High School Headmaster are concerned and quash the same and consequently direct the respondents to prepare the seniority list for promotion to the post of High School Headmaster by strictly following the service rules.

For Petitioner : M/s.Dakshayani Reddy

For Respondent Nos.1 to 4 : Mr.K.Venkataramani,
Additional Advocate General
Assisted by Mr.T.M.Pappiah
Special Government Pleader

For Respondent No.5 : Mr.K.H.Ravikumar
For Respondent Nos.6 to 51, and : Mr.P.Wilson
57, 58, 59 to 63 : Senior Counsel
for Ms.A.Yogeswari

For Respondent Nos.52 to 56 and : Mr.R.Saseetharan
110 to 118

For Respondent Nos.64 to 79 : Mr.N.C.Ashok Kumar

For Respondent No.80 : Mr.B.Ravi

For Respondent No.81 : Mr.V.Kasinatha Bharathi

For Respondent Nos.82 to 96

: Ms.Nalini Chindambaram
Senior Counsel
for Ms.C.Uma

For Respondent Nos.97 to 109

: Ms.AL.Ganthimathi

W.P.No.16138 of 2016

R.Srinivasan

.. Petitioner

Vs

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Krishnagiri
5. Tamil Nadu Higher Secondary
Postgraduate Teachers' Association,
Regn No.160/1980
Represented by its President, Manivasagan,
159, Gengu Reddy Road, Egmore,
Chennai - 600 008.
[R-5 impleaded as per order dated 29/06/2016 in
W.M.P.Nos.18308 to 18310 of 2016 in
W.P.Nos.16137 to 16139 of 2016.]

- 6.N.MURUGESAN
- 7.M.CHINNASAMI
- 8.M.MURUGESAN
- 9.S.NAYASUDEEN
- 10.V.SADASIVAM
- 11.K.RAJKUMAR
- 12.M.KRISHNAN
- 13.D.SUBRAMANI
- 14.S.ARUNAGIRI
- 15.A.MUNUSAMY
- 16.K.MANI
- 17.P.MANIVANNAN
- 18.L.P.PONNUSAMY

WEB COPY

19.K.PERIASAMY
20.ARU.DURAIKANNAN
21.R.ANBARASAN
22.K.ARULKUMARAN
23.R.SUNDAR
24.K.UDHAYA KUMAR
25.D.KANNAN
26.S.RAJENDRAN
27.S.KANNAN
28.P.SOUNDARAPANDIAN
29.RM.GANESAN
30.B.SATHYA SEKAR
31.C.MUTHUKUMAR
32.A.THILLAIPPAN
33.G.SAKTHIVEL
34.V.GNANA MURUGAN
35.P.SOMASUNDARAM
36.N.RAJA
37.K.POONGAVANAM
38.A.JOHN WILFARE PONRAJ
39.S.ARUL NAMBI
40. M.ANANDHI
41.R.CHANDRA
42.V.GNANA VELAN
43.A.AHILAN
44.S.RAVI KUMAR
45.M.MANI
46.G.RAVINDRAN
47.A.PHILLIP LAWRENCE
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49.S.VEDIAPPAN
50.G.BABU
51.M.NADIMUTHU
52.A.RAJAN
53.M.SANTHAMMA
54.M.RAMESH BABU
55.P.BHARATHI
56.J.KARTHEIKEYAN
57.M.BABY THERESA
58.R.ARUL RAJ
59.R.KANNAN
60.V.VELU
61.K.PALANISAMY
62.K.ELANGOVA
63.V.CHANDRASEKARAN

[R-6 to R-63 are impleaded as per Order dated 08.12.2016 in
W.M.P.Nos.22739, 23024, 23822, 24950 and
29085/2016 in W.P.No.16138/2016.]

64.DEVARAJU
65.K.KARTHIKEYAN
66.R.SANTHASEELAN
67.K.MURUGAN
68.C.SATTANATHAN
69.L.PERUMAL
70.R.ANDAVAR
71.R.SHANMUGAM
72.J.JAYABAL
73.G.ANBAZHAGAN
74.K.DUR AISAMI
75.K.M.BHUVANESWARI
76.G.REVATHI
77.V.KANDASAMY
78.G.RAJAN

[R-64 to R-78 ARE IMPEADED AS PER ORDER DATED 02.02.2017
IN W.M.P.NO.1509/2017 IN W.P.NO.16138/2016.]

79.S.EZHILAZHAGAN
80.P.ELANGOVAN
81.A.R.ARUL
82.P.BABU
83.K.RAVICHANDRAN
84.K.DUR AIRASAN
85.R.MADHIVANAN
86.N.SHANMUGAM
87.A.VETRIVELAN
88.R.RAMANATHAN
89.S.SUBAMAHESWARI
90.R.MOORTHY
91.L.LETCHUMIKANTHAN
92.ARULARASU
93.C.MANO HARAN

[R-79 to R-93 ARE IMPEADED AS PER ORDER DATED 02.02.2017
IN W.M.P.NO.1545/2017 IN W.P.NO.16138/2016.]

.. Respondents

सत्यमेव जयते

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent herein in Na.Ka.No.92931/C1-E1/15 dated 22.12.2015 and the consequential proceedings of the fourth respondent inNa.Ka.No.6260/A1c/2015 dated 04.01.2016 so far as the inclusion of the promoted PG Assistants in the seniority list for appointment to the post of High School Headmaster are concerned and quash the same and consequently direct the respondents to prepare the seniority list for promotion to the post of High School Headmaster by strictly following the service rules.

For Petitioner : M/s.Dakshayani Reddy

For Respondent Nos.1 to 4 : Mr.K.Venkataramani,
Additional Advocate General
Assisted by Mr.T.M.Pappiah
Special Government Pleader

For Respondent No.5 : Mr.K.H.Ravikumar

For Respondent Nos.6 to 63 : Mr.P.Wilson
Senior Counsel
for Ms.A.Yogeswari

For Respondent Nos.64 to 78 : Ms.Nalini Chindambaram
Senior Counsel
for Ms.C.Uma

For Respondent Nos.79 to 93 : Mr.R.Saseetharan

W.P.No.16139 of 2016

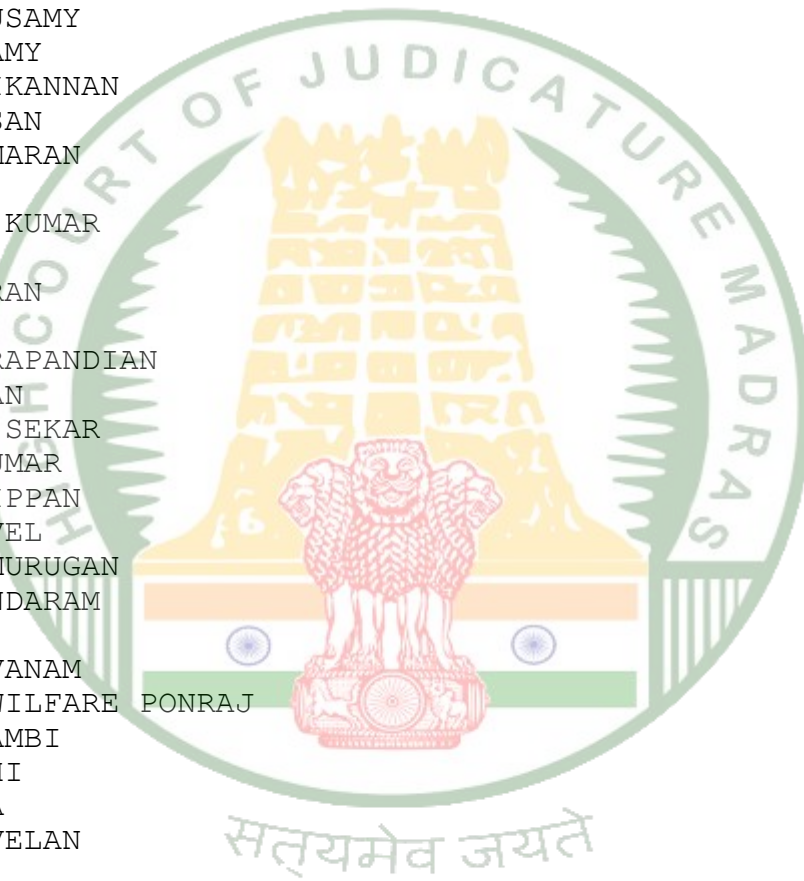
A.Pachamuthu

Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Dharmapuri.
5. Tamil Nadu Higher Secondary
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Represented by its President, Manivasagan,
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Chennai - 600 008.
[R-5 impleaded as per order dated 29/06/2016 in
W.M.P.Nos.18308 to 18310 of 2016 in
W.P.Nos.16137 to 16139 of 2016.]

6.N.MURUGESAN
7.M.CHINNASAMI
8.M.MURUGESAN
9.S.NAYASUDEEN
10.V.SADASIVAM
11.K.RAJKUMAR
12.M.KRISHNAN
13.D.SUBRAMANI
14.S.ARUNAGIRI
15.A.MUNUSAMY
16.K.MANI
17.P.MANIVANNAN
18.L.P.PONNUSAMY
19.K.PERIASAMY
20.ARU.DURAIKANNAN
21.R.ANBARASAN
22.K.ARULKUMARAN
23.R.SUNDAR
24.K.UDHAYA KUMAR
25.D.KANNAN
26.S.RAJENDRAN
27.S.KANNAN
28.P.SOUNDARAPANDIAN
29.RM.GANESAN
30.B.SATHYA SEKAR
31.C.MUTHUKUMAR
32.A.THILLAIPPAN
33.G.SAKTHIVEL
34.V.GNANA MURUGAN
35.P.SOMASUNDARAM
36.N.RAJA
37.K.POONGAVANAM
38.A.JOHN WILFARE PONRAJ
39.S.ARUL NAMBI
40. M.ANANDHI
41.R.CHANDRA
42.V.GNANA VELAN
43.A.AHILAN
44.S.RAVI KUMAR
45.M.MANI
46.G.RAVINDRAN
47.A.PHILLIP LAWRENCE
48.V.MADHAPPAN
49.S.VEDIAPPAN
50.G.BABU
51.M.NADIMUTHU
52.A.RAJAN
53.M.SANTHAMMA
54.M.RAMESH BABU
55.P.BHARATHI



WEB COPY

56.J.KARTHEIKEYAN
57.M.BABY THERESA
58.R.ARUL RAJ
59.R.KANNAN
60.V.VELU
61.K.PALANISAMY
62.K.ELANGOVAN
63.V.CHANDRASEKARAN

[R-6 to R-63 are impleaded as per Order dated 08.12.2016 in W.M.P.Nos.22740, 23025,,23823, 24951 and 29086/2016 in W.P.NO.16139/2016.]

64.S.KARUNAKARAN
65.T.KARTHEESAN
66.T.SAKTHIVEL
67.G.T.RAMESH
68.R.MURUGAN
69.K.EZHILRANI
70.M.G.THIAGARAJAN
71.R.KAVITHA
72.B.DANALAKSHMI
73.V.POONGULALI
74.S.SUNDARESAN
75.M.DHANALAKSHMI
76.R.LAKSHMI
77.M.PALANISAMY
78.N.SUNDARARAJAMURUGAN

[R-64 TO R78 ARE IMPEADED AS PER ORDER DATED 02.02.2017 IN W.M.P.NO.1510/2017 IN W.P.NO.16139/2016.]

79.J.APPAVU
80.M.A.JACKSON DENOVER RAOJI
81.P.SUBRAMANYAM
82.G.ESWARA RAO
83.R.RAVIKUMAR
84.K.NANTHAKUMAR
85.V.VASANTHA
86.N.KALARANI
87.K.LATHA
88.M.THAMARAISELVI
89.N.KALAISELVI
90.S.JAYALAKSHMI
91.T.PREMAKUMARI
92.G.SUJATHA
93.P.ANBARASI
94.V.MANJULA
95.L.MANONMANI
96.N.LATHA
97.R.SUBRAMANI
98.N.GNANASEKARAN
99.G.KARTHIKEYAN



100.K.MALARVIZHI
101.N.SUMATHI
102.R.SASIKALADEVI
103.S.UMAMAHESWARI

.. Respondents

[R-79 to R-103 are impleaded as per Order dated 29.06.2017 in W.M.P.Nos.2297 and 4312/2017 in W.P.No.16139/2016.]

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent herein in Na.Ka.No.92931/C1-E1/15 dated 22.12.2015 and the consequential proceedings of the fourth respondent in Na.Ka.No.6260/A1c/2015 dated 04.01.2016 so far as the inclusion of the promoted PG Assistants in the seniority list for appointment to the post of High School Headmaster are concerned and quash the same and consequently direct the respondents to prepare the seniority list for promotion to the post of High School Headmaster by strictly following the service rules.

For Petitioner : M/s.Dakshayani Reddy

For Respondent Nos.1 to 4 : Mr.K.Venkataramani,
Additional Advocate General
Assisted by Mr.T.M.Pappiah
Special Government Pleader

For Respondent No.5 : Mr.K.H.Ravikumar

For Respondent Nos.6 to 51, and : Mr.P.Wilson
57 to 63 Senior Counsel
for Ms.A.Yogeswari

For Respondent Nos.52 to 56 and : Mr.R.Saseetharan
79 to 82

For Respondent Nos.64 to 78 : Ms.Nalini Chindambaram
Senior Counsel
for Ms.C.Uma

For Respondent Nos.83 to 103 : Mr.D.Shivakumaran

C O M M O N O R D E R

The petitioners have come to this Court challenging the proceedings of the second respondent in Na.Ka.No.92931/C1-E1/15 dated 22.12.2015 and the consequential proceedings of the fourth respondent in Na.Ka.No.7695/A1/2015 dated nil.01.2016 and Na.Ka.No.6260/A1c/2015 dated 04.01.2016 so far as the inclusion of the promoted PG Assistants in the seniority list for appointment to the post of High School Headmaster are concerned and quash the same and consequently direct the respondents to prepare the seniority list for promotion to the post of High School Headmaster by strictly following the service rules.

2. Mrs.Dakshayani Reddy, learned counsel appearing for the petitioners for the petitioners, would submit that insofar as the directly appointed P.G. Assistants like the petitioners are concerned, their only avenue of promotion is to the post of Higher Secondary Headmaster, whereas, the respondents have wrongly given promotions to persons, who are holding the post of B.T. Assistant, which post is comprised in the Tamil Nadu School Educational Subordinate Service, on the premise that they have got two avenues for promotion, one to the post of High School Headmaster and the other to the post of P.G. Assistant, which analogy is not correct, for, if a candidate chooses the post of P.G. Assistant, which post is comprised in the Tamil Nadu Higher Secondary Educational Service, then, the candidate should lose their lien in the post of B.T. Assistant for promotion to the post of Headmaster by virtue of Rule-4 of the Tamil Nadu State and Subordinate Service Rules, which states that a person cannot hold the lien in two posts simultaneously. Therefore, if a B.T. Assistant chooses to be promoted to the post of P.G. Assistant, then, he has no right for promotion to the post of High School Headmaster for the simple reason that the post of P.G. Assistant is not a feeder category to the post of High School Headmaster.

3. In view of the said submission, this Court has passed the following interim order, dated 28.04.2016:

“ Notice of motion returnable in eight weeks.

2.The grievance of the petitioners is that the persons who are holding the post of B.T. Assistant, which is coming under the Tamil Nadu School Educational Subordinate Service, have got two avenues for promotion, one to the post of High School Headmaster and the other to the post of P.G. Assistant. If a candidate chooses the post of P.G. Assistant, which is coming under the Tamil Nadu Higher Secondary Educational Service, then the

candidate loses his/her lien in the post of B.T. Assistant for promotion to the post of Headmaster, as per Rule 4(b) of the Tamil Nadu State and Subordinate Service Rules, which says that a person cannot hold the lien in two posts simultaneously. While so, by the impugned proceedings dated 22.12.2015 issued by the second respondent and the consequential proceedings issued by the respective fourth respondent during January 2016, the names of the promoted P.G. Assistants coming under the Tamil Nadu Higher Secondary Educational Service, who lost their lien in the post of B.T. Assistant, are sought to be included in the seniority list of B.T. Assistants for the post of High School Headmaster, although the post of P.G. Assistant is not the feeder category to the post of High School Headmaster. Hence, the impugned proceedings shall remain stayed, in the meanwhile."

4. When the matter was taken up today, Mrs.Nalini Chidambaram, I learned Senior Counsel and Mr.R.Saseetharan, learned counsel appearing for some of the respondents, heavily raised objections even on the maintainability of the Writ Petitions on the ground that the petitioners, having been appointed as Directly Recruited P.G. Assistants, have no locus standi to maintain the Writ Petitions inasmuch as, for the post of High School Headmaster, B.T. Assistant is the Feeder Category and the directly recruited P.G. Assistants cannot, therefore, maintain the Writ Petitions.

5. I find force in the said submissions/objections raised on behalf of the respondents. When the petitioners were all directly recruited P.G. Assistants, they cannot maintain these Writ Petitions as they are no way affected over the promotions given to B.T. Assistants to the post of Headmaster in the High Schools. Therefore, the prayer herein cannot be entertained, accordingly, the Writ Petitions fail and they are dismissed. No costs. Consequently, connected Miscellaneous Petitions stand closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sri.

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Dharmapuri.

+3cc to Mr.R.Saseetharan, Advocate, S.R.No.45693
+1cc to the Government Pleader, S.R.No.45790

W.P. Nos.16137 to 16139 of 2016

MV(CO)
CS/13/10/17



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