



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12825 of 2017

and

W.M.P. (MD) Nos.9921 and 9922 of 2017

S.Sridevi

... Petitioner

vs.

1. The Director,
Directorate of School Education,
Chennai-600 006.

2. The Joint Director,
Tamil Nadu School Education Department,
Directorate of School Education,
Chennai- 600 006.

3. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.18907/C2/E1/2017 dated 11.04.2017 on the file of the respondent no.2 and consequential impugned proceedings in Oo.Mu.No.3631/A1/2017 dated 15.05.2017 and quash both as illegal; and to consequently issue a direction, directing the respondent no.1 and 2 to appoint the petitioner in teaching position for the post of BT Assistant with effect from 01.01.2011 with all service benefits by way of promotion from ministerial services within the 2% quota for personnel employed in Ministerial services in School Education Department-vide G.O.(4D)no.21 of School Education Department dated 02.11.2011 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.D.Muruganatham,
Additional Government Pleader

**ORDER**

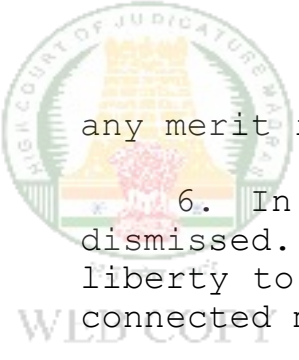
By consent of both sides, this writ petition itself is taken up for final disposal.

2. The writ petition is directed against the impugned order dated 11.04.2017, in and by which, the request of the petitioner to appoint her as BT Assistant with effect from 01.01.2011 with all service benefits by way of promotion from ministerial services within 2% quota for persons employed in Ministerial services in School Education Department as per G.O.(4D) No.21 of School Education Department dated 02.11.2011 has been rejected.

3. The learned counsel for the petitioner would submit that the petitioner was appointed as Junior Assistant on 25.10.1995 in the Ministerial service. She has also possessed the requisite educational qualification to be appointed as BT Assistant in the teaching position as per G.O.(4D) No.21 of School Education Department, dated 02.11.2011, inasmuch as G.O.(4D) No.21 School Education Department has given 2% quota out of 50% of vacancies in teaching line by employing the persons in the ministerial service. Therefore, when the petitioner was appointed on 25.09.1995 and her service was also regularised on 25.10.1997 and thereafter she was also promoted as Assistant on 26.10.2015, the respondents have not come forward to consider her candidature in the post of BT Assistant by giving the benefit of 2% reservation for the sole reason that the petitioner has not completed the probation period and by passing belated order by the respondents without any fault on the petitioner, the respondent cannot deny the benefit of enjoying 2% reservation as per G.O.(4D) No.21 of School Education Department dated 02.11.2011. Therefore, a direction may be given to the respondents to consider her candidature for the post of BT Assistant, as she is fully qualified, it is pleaded.

4. Now, it is well settled legal position that any candidate to be eligible for the post of BT Assistant should pass B.Ed and top of all this, passing the TET examination is a must, in view of G.O.Ms.No.181, dated 15.11.2011, which has also become an Act now. But, the petitioner has not averred anywhere in the affidavit filed in support of the petition that whether she has passed B.Ed. or TET.

5. Be that as it may, when the petitioner has made a representation on 28.02.2017 to consider her candidature within 2% reservation, the present impugned order has been rightly passed stating that while giving 2% reservation to the ministerial service in filling up of the post of BT Assistant, the said 2% reservation has been duly followed. But the petitioner has not substantiated her case, whether her candidature was ignored, while considering her junior's claim in any year at the time of filling up of teaching posts. Therefore, this Court is not able to find



any merit in the writ petition.

6. In view of the foregoing reasons, the writ petition is dismissed. If the petitioner is eligible as per law, she is at liberty to apply for the future vacancies. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Director,
Directorate of School Education, Chennai-600 006.
2. The Joint Director,
Tamil Nadu School Education Department,
Directorate of School Education, Chennai- 600 006.
3. The Chief Educational Officer,
O/o. the Chief Educational Officer, Madurai.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 65053
+1 cc to The Special Government Pleader in SR.No.65295

Mrn/RR

AE/SV MMS/SAR3/11.09.2017/3P/6C

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