

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33751 of 2017
and
W.M.P.No.37390 of 2017

K.Selvi

... Petitioner

vs.

1. The State of Tamilnadu,
Represented by the Secretary to Government
School Education Department,
Fort St.George,
Chennai.
2. The Director of Elementary Education
DPI Campus,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Tiruvannamalai.
4. The Assistant Elementary Educational Officer,
West Arni,
Arni - 632 301.
Tiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to prepare panel of the year 2018, B.T. Assistants alone for promotion of Middle School Headmaster, west Arni union, Arni, Thiruvannamalai District in the light of G.O.(Ms) No.1383, School Education (P.U.S.I)Department dated 23.06.1988, G.O.(Ms)No.166, School Education Department dated 07.06.1999, G.O.(Ms)No.79, School Education Department dated 14.06.2002 and G.O.(Ms)No.100, School Education Department dated 27.06.2003 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.P.Murali

For Respondents : Mr.I.Sathish
Additional Government Pleader

O R D E R

This Writ Petition is filed seeking for a mandamus directing the respondents to prepare panel of the year 2018, B.T. Assistants alone for promotion of Middle School Headmaster, West Arni Union, Arni, Thiruvannamalai District.

2. Heard, the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The grievance of the petitioner before this Court is that the promotion to the post of Middle School Headmaster has to be made only among the B.T. Assistants by giving them first preference and not from the feeder category of the Headmasters of Elementary School.

4. The counter filed by the third respondent specifically contended that the ratio of Headmasters of Elementary School to the B.T. Assistants is increased to 23:18 which clearly states that every vacant post of Middle Grade Teacher should be filled by the Middle Grade Graduate Teacher. It is further stated in the counter that neither G.O.(Ms)No.166 nor G.O.(Ms)No.100 indicate that the Headmasters of the Elementary School should not be promoted to Headmaster of the Middle School.

5. Perusal of the G.O.(Ms)No.166 dated 07.06.1999, which deals with the categories from which the post of Middle School Headmaster can be filled up, would show that the Headmaster of Elementary School are not totally prevented or prohibited from getting such promotion. On the other hand, G.O.(Ms).No.166 specifically states that such promotion can be made by the persons holding the feeder categories based on the seniority and their appointment in such category. If the petitioner is aggrieved against the said clause in G.O.(Ms).No.166 dated 07.06.1999, it is for him to challenge the same. Without doing so, the petitioner is not entitled to seek for preparing the panel for promotion of Headmaster of Middle School only for B.T. Assistants and not for Headmaster of the Middle School.

6. Accordingly, I find that the present Writ Petition is not maintainable in view of the stand taken by the Government in G.O (Ms)No.166 dated 07.06.1999. Hence, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

sni

To

1. The Secretary to Government
State of Tamilnadu,
School Education Department,
Fort St.George,
Chennai.
2. The Director of Elementary Education
DPI Campus,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Tiruvannamalai.
4. The Assistant Elementary Educational Officer,
West Arni,
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Tiruvannamalai District.

+lcc to Government Pleader SR.No.81748

W.P.No.33751 of 2017

SS(CO)
GMY(18/12/2018)