

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.40488 of 2005

K.P.Mohan

...Petitioner

Versus

- 1.The Chief Educational Officer,
Villupuram.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Headmaster,
Government Boys Higher Secondary School,
Gingee,
Villupuram District.
- 4.P.Udhayakumar
P.G.Assistant,
Government Boys Higher Secondary School,
Gingee,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Order of the 1st respondent dated 08.08.2005 issued in O.Mu.No.5210/A1/05 and the Order of the 2nd respondent dated 08.11.2005 issued in Na.Ka.No.79350/W18/2005 and quash the same and direct the respondents to promote the petitioner as Assistant Headmaster in the 3rd respondent school w.e.f. 08.08.2005.

For Petitioner : Mr.M.Arunkumar
for Mr.R.Muthukannu

For Respondents - 1 to 3 : Mr.A.Rajaperumal,
Addl. Govt. Pleader

O R D E R

The relief sought for in the present writ petition is to call for the records relating to the order of the 1st respondent dated 08.08.2005 issued in O.Mu.No.5210/A1/05 and the order of the 2nd respondent dated 08.11.2005 issued in Na.Ka.No.79350/W18/2005 and quash the same and direct the respondents to promote the petitioner as Assistant Headmaster in the 3rd respondent school w.e.f. 08.08.2005.

2. The case of the petitioner is that he was selected as a Post Graduate Assistant (Maths) in the year 1986 and his service was also regularised w.e.f. 22.08.1986. Thereafter, in the year 1990, he was transferred to the Government Higher Secondary School at Gingee. The general criteria for the appointment of Assistant Headmaster is if the strength of the students in a school would be more than 750, then the senior most P.G.Assistant of the school could be appointed as Assistant Headmaster, irrespective of their subject. Similarly, the school where the petitioner is working as a Post Graduate Assistant (Maths) had the students' strength of more than 1,500 and that one post of Assistant Headmaster is allowed.

2.1 In the year 2005, one Mr.P.Venugopal, Assistant Headmaster of the school where the petitioner is working was promoted as High Secondary Headmaster. So being a senior most Post Graduate Assistant, the petitioner was working as a Headmaster in-charge for a period of six months. Thereafter, the petitioner made a representation requesting to post him as Assistant Headmaster in the said school. The said representation was forwarded to the first respondent. However, vide order dated 08.08.2005, the first respondent rejected the petitioner's request.

2.2 As against the aforesaid order passed by the first respondent, the petitioner filed an Appeal before the second respondent. By order dated 08.11.2005, the second respondent confirmed the rejection order dated 08.08.2005, passed by the first respondent. Further, without considering the seniority of the petitioner, vide Na.Ka.No.16/04-05, dated 24.08.2005, the third respondent appointed one Mr.P.Udhayakumar/fourth respondent as the Assistant Headmaster of the school. Hence, the aggrieved petitioner has filed the present writ petition.

3. The respondents have filed the counter affidavit, wherein, they have stated as follows:

(i) Originally, the writ petitioner was appointed as the P.G. Assistant (Maths) in the Government Higher Secondary

School, Melmalayanur on 22.08.1986 and the fourth respondent was appointed as P.G.Assistant (Commerce) in the Government Higher Secondary School, Palavakkam, on 11.11.1986.

(ii) Both the petitioner and the fourth respondent were selected by the Tamil Nadu Public Service Commission (hereinafter referred to as 'TNPSC') in the year 1985 and given Rank Nos.288 & 179 respectively. While both of them were serving as P.G.Assistant, they were promoted as Headmaster of Higher Secondary School. After they got the aforesaid promotion, the petitioner was posted to the Government Higher Secondary School, Peruvalur and the fourth respondent was posted to the Government Higher Secondary, Sevalapurai.

(iii) The common rank number is assigned by the TNPSC for all subjects on the whole and not subject-wise as stated by the petitioner. The petitioner was already promoted as Headmaster of Higher Secondary School from 17.09.2007, according to the rank number assigned to him by the TNPSC and continuing as the Headmaster till date. Therefore, the present writ petition is liable to be dismissed.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that as per the rank number assigned by the TNPSC, the fourth respondent (having rank number 179) was the senior most person among the Post Graduate Assistants of the school and that he was appointed as Assistant Headmaster of the school. He further submitted that the appointment of the fourth respondent was approved by the District Educational Officer, Tindivanam by his proceedings O.Mu.No.6317/A3/05, dated 15.09.2005. He also submitted that the promotions are given according to the seniority based on the rank number and not according to the date of appointment.

5. In view of the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 3 and also taking note of the averments made in the counter affidavit of the respondents, this Court is of the view that there is no necessity to interfere with the impugned orders passed by the respondents 1 & 2 since the case of the petitioner deserves no merit of consideration. Hence, the present Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Chief Educational Officer,
Villupuram.

2.The Director of School Education,
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Chennai - 600 006.

3.The Headmaster,
Government Boys Higher Secondary School,
Gingee,
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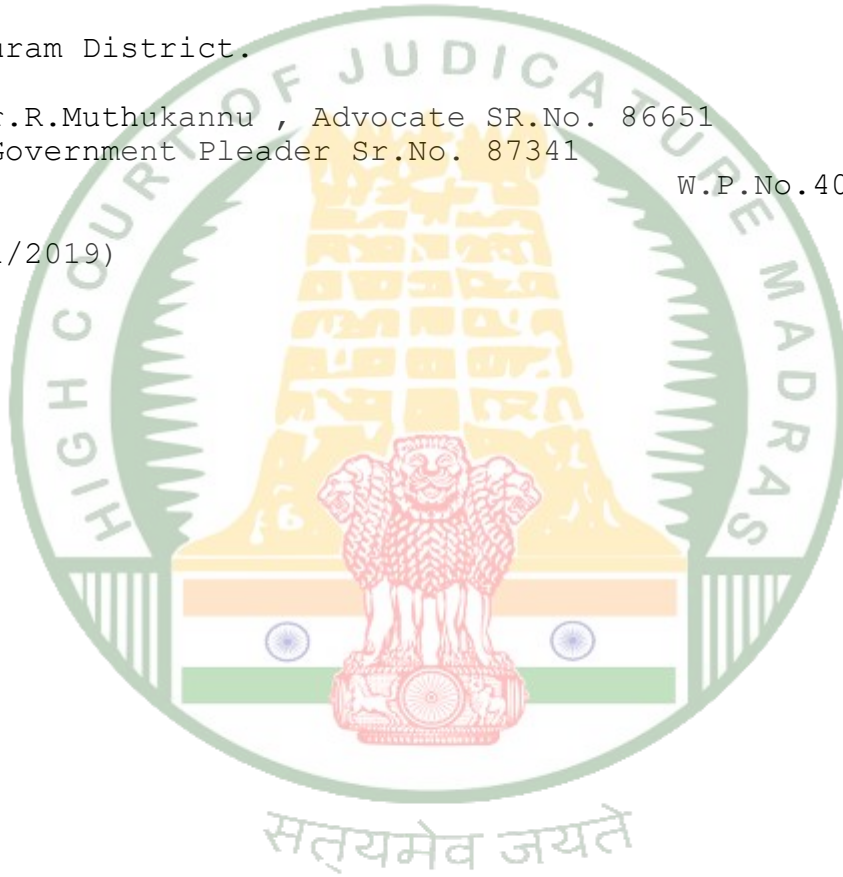
+1cc to Mr.R.Muthukannu , Advocate SR.No. 86651

+1 cc to Government Pleader Sr.No. 87341

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ad

A.SK(28/11/2019)



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