

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.6861 of 2015
and MP No.1 of 2015

J.Gopal

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
School and Education Department,
Secretariat, Fort St. George, Chennai 600 009.
2. The Joint Director,
Directorate of Tamil Nadu School Education,
Nungambakkam, DPI Complex,
College Road, Chennai -600 006.
3. The Chief Educational Officer,
Namakkal, Namakkal District.
4. The District Educational Officer,
Namakkal, Namakkal District.
5. Sankar Higher Secondary School,
Rep. by its Secretary,
Sankari West, Namakkal District 637 303
6. S.N.Sundar

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents 1 to 5 to recruit the petitioner to the post of P.G.Assistant (English) from the date the petitioner became eligible to the post of P.G.Assistant (English) namely prior to filing up the vacancy in P.G.Assistant (Science) based on the seniority in the 5th respondent school with all the consequential benefits.

For Petitioner : Mr.K. Krishnamoorthy

For Respondents: Mr.P. Raja, Government Pleader
1 to 4

For 5th Respondent: Mr. Gautham S. Raman

O R D E R

The instant writ petition is for writ of Mandamus directing the respondents 1 to 5 to appoint the petitioner to the post of P.G.Assistant (English) from the date, he became eligible to the post of P.G.Assistant (English) namely prior to filling up the vacancy in P.G.Assistant (Science), based on the seniority in the 5th respondent school with all consequential benefits.

2. The petitioner states that he was appointed as a B.T.Assistant in the Higher Secondary School, Namakkal on 10.10.2007 and further states that he is fully qualified to be appointed as a PG Assistant (English) in the above mentioned school.

3. It is the case of the petitioner that the 6th respondent has been appointed subsequent to the petitioner and even though, the 6th respondent is junior to the petitioner as well as she is being considered to be appointed to the post of PG Assistant (Science). The petitioner states that she has to be appointed first as a PG Assistant (English) and the 6th respondent cannot be appointed as PG Assistant (Science) before the petitioner in the same school.

4. The prayer on the face of it is not maintainable. Just since the petitioner is not appointed as PG Assistant (English), he cannot make a claim that another person, even though appointed later, should not be appointed as PG Assistant (Science) in the same school. Admittedly, the post of PG Assistant (Science) is in a completely different stream which cannot be filled up by posting the petitioner.

5. Be that as it may, the respondents in their counter affidavit have admitted that the post of PG Assistant (English) is lying vacant from 2001 and the said post would be filled up in accordance with the prescribed rules.

6. It is also pertinent to note that this Court by an order 11.03.2015 had passed an order of interim injunction restraining the respondents 1 to 5 from filling up the post of P.G.Assistant in Sankar Higher Secondary School, Namakkal District.

7. Taking into consideration the facts and circumstances of the case, the injunction granted by this Court on 11.03.2015 shall stand vacated and the respondents 1 to 5 are directed to consider the case of the petitioner for appointment as PG Assistant English in accordance with rules.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Government of Tamil Nadu,
Represented by its Secretary,
School and Education Department,
Secretariat, Fort St. George, Chennai 600 009.
 2. The Joint Director,
Directorate of Tamil Nadu School Education,
Nungambakkam, DPI Complex,
College Road, Chennai -600 006.
 3. The Chief Educational Officer,
Namakkal, Namakkal District.
 4. The District Educational Officer,
Namakkal, Namakkal District.
- +1 CC to Mr.C. Seethapathy, Advocate sr 90052.
+1 CC to Govt. Pleader sr 90673.

W.P.No.6861 of 2015

सत्यमेव जयते

SP(21/11/2019)

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