



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.16016 of 2019

and

WMP.Nos.15783, 15787 and 15790 of 2019

- 1.T.Kathiresan
- 2.S.Menaka
- 3.R.Jayarathina Gandhi
- 4.C.Vijayalakshmi
- 5.P.Nagalakshmi
- 6.P.Sumathi
- 7.N.Jayanthi
- 8.P.Prema
- 9.R.Gowri
- 10.N.Dhanalakshmi
- 11.T.Nithya
- 12.P.Kavitha
- 13.P.G.Saranbabu
- 14.R.K.Merlin Rajini
- 15.S.Deepa
- 16.R.Padmavathy
- 17.K.C.Janani
- 18.P.Ramalakshmi
- 19.P.Rajkumar
- 20.K.Ranjith Murugan
- 21.S.Uma Bai
- 22.V.Chitra
- 23.P.Parameswaran
- 24.K.Agila
- 25.R.Nathiya
- 26.P.Maheswari
- 27.S.Magudeeswaran
- 28.K.Ramar
- 29.M.Thangadurai

... Petitioners

Vs



WEB COPY

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai- 600 006.

3.The Joint Director of School Education (Higher Secondary),
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the Respondents to fill up the 2% of vacancies to the post of PG Assistant in Higher Secondary Educational Service from the eligible persons in Ministerial Service in School Education Department by drawing the panel every year from 2014 onwards as per G.O.(4D) No.21 School Education Department dated 02.11.2011 immediately before filling up the vacancies by promotion by recruitment by transfer for the panel year 2019-2020 within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran

For Respondents 1-3 : Ms.P.Kavitha
Government Advocate.

O R D E R

This Writ Petition has been filed seeking for issuance of Writ of Mandamus to fill up the 2% of vacancies to the post of PG Assistant in Higher Secondary Educational Service from the eligible persons in Ministerial Service in School Education Department by drawing the panel every year from 2014 onwards as per G.O.(4D) No.21 School Education Department dated 02.11.2011 immediately before filling up the vacancies by promotion by recruitment by transfer for the panel year 2019-2020.

2. The case of the petitioners is that they have been initially appointed in Tamil Ministerial Service in School Education Department and subsequently promoted to the post of Junior Assistants. The Government has issued an order in G.O. (4D).No.21 School Education Department dated 02.11.2011



reserving 2% of vacancies in the post of P.G. Assistant to those who are qualified for appointment and work in the Ministerial Service.

3. According to the petitioners, they are fully qualified for the appointment of the post of P.G.Assistant. In so far as the post of P.G.Assistant is concerned, it is governed by the Special Rules for Tamil Nadu Higher Secondary Educational Service notified in G.O.Ms.No.720 Education Department dated 28.04.1981. As per the Government Order, 50% of the vacancies have to be filled by promotion. While so, the Government has issued G.O.(4D).No.21 School Education Department dated 02.11.2011 in and by which it has been directed that 2% of vacancies out of 50% vacancies have to be earmarked for promotion to be filled by considering eligible persons working in the Ministerial Service in Education Department by following method as prescribed in the G.O.Ms.No.175 dated 19.07.2007 issued for filling up the post of P.G.Assistant.

4. According to the Petitioners, pursuant to the G.O.(4D).No.21 School Education Department dated 02.11.2011, the third respondent has drawn a panel of eligible persons working in Ministerial Service vide proceedings dated 11.05.2013 to fill up 2% vacancies to the post of P.G.Assistant during the year 2013-14 and consequently 23 Ministerial Staff working in School Education Department qualified with P.G. Degree and B.Ed have also been given promotion by recruitment by transfer to the post of P.G.Assistant.

5. The grievances of the petitioners is that though 2% of vacancies have been mentioned in every panel year till 2014, no panel has been drawn from the year 2015 onwards which has resulted in non implementation of the Government Order. Since no panel has been drawn, the petitioners have not been promoted to the post of P.G.Assistant in respect of 2% vacancies earmarked as per the said Government Order. In this regard it appears that the petitioners have also made representation in April 2019. However, there was no response from the respondents which prompted the petitioners to approach this Court by way of present Writ Petition.

6. Learned Counsel for the petitioners would submit that by virtue of G.O.(4D).No.21 School Education Department dated 02.11.2011, the petitioners who are initially appointed in Ministerial Service are eligible to be promoted to the post of P.G.Assistant in respect of 2 % vacancies earmarked since they are possessing requisite qualifications of P.G.Degree and B.Ed Degree and that the respondents have implemented the above said



Government Order by drawing panel in the year 2013 by effecting promotions in respect of 23 candidates. However, from the year 2015 onwards no panel has been drawn and no promotion in the post of P.G.Assistants has been given. Hence, the learned counsel would implore this Court to direct the respondents to implement G.O.(4D).No.21 School Education Department dated 02.11.2011, filling up 2% vacancies by recruitment by transfer by drawing panel for the year 2019-2020.

7. Learned Government Advocate appearing for the respondents has conceded the claim of the petitioners by virtue of G.O. (4D).No.21 School Education Department dated 02.11.2011, that 2% of vacancies have to be earmarked and to be filled up by recruitment by transfer from among the eligible persons in Ministerial Service. She also submitted that, this Court may direct the respondents to consider the claim of the petitioners in accordance with law.

8. Considering the facts and circumstances of the case, as well as the submissions made by the learned counsel for the petitioners and in view of the fact that from 2015 onwards no panel has been drawn to fill up 2% vacancies in the post of P.G.Assistant from among the eligible persons of Ministerial Service by implementation of G.O.(4D).No.21 School Education Department dated 02.11.2011, the respondents are directed to draw the panel forthwith for the year 2019-2020 and take appropriate steps to fill up the vacancies for the post of P.G.Assistant in Higher Secondary Education Service from among the eligible persons in Ministerial Service in implementation of G.O.(4D).No.21 School Education Department dated 02.11.2011 within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai- 600 006.

3.The Joint Director of School Education (Higher Secondary),
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

+lcc to Mr.G.Sankaran, Advocate sr.87066
+lcc to Government Pleader SR.NO. 87344

W.P.No.16016 of 2019
and
WMP.Nos.15783, 15787 and 15790 of 2019

ln(co)
nr 18/12/2019