

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 19127 and 19131 of 2019

and WMP.Nos. 18493, 18495, 18501 and 18502 of 2019

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|------------------|------------------------------------|
| 1. K.Thamilarasi | ..Petitioner in W.P. 19127 of 2019 |
| 2. L. Vadivelu | ..Petitioner in W.P. 19131 of 2019 |

Vs

1. The State of Tamil Nadu
rep. by its Secretary to Government
School Education Department,
Fort St. George,
Chennai-600009.

2.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600006.

..Respondents in both WPs

3.The Chief Educational Officer,
O/o. The Chief Educational Office,
Nagapattinam,
Nagapattinam District.

4. The District Educational Officer,
O/o. the District Educational Office,
Nagapattinam, Nagapattinam District.

5. The Block Educational Officer,
O/o. the Block Educational Office,
Thalanayar,

Nagapattinam District

.. Respondents in W.P. 19127 of 2019

6.The Chief Educational Officer,
O/o. The Chief Educational Office,
Dharmapuri,
Dharmapuri District.

7. The District Educational Officer,
O/o. the District Educational Office,
Dharmapuri, Dharmapuri District.

8. The Block Educational Officer,
O/o. the Block Educational Office,
Karimangalam,
Dharmapuri District

..Respondents in W.P.No.19131 of 2019

Prayer in W.P.No. 19127 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Head Master of the Middle School taking into consideration of the petitioner seniority in the cadre of B.T .Assistant in accordance with Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 within the period that may be stipulated by this Honorable Court.

Prayer in W.P.No. 19131 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Head Master of the Middle School taking into consideration of the petitioner seniority in the cadre of B.T .Assistant in accordance with Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 within the period that may be stipulated by this Honorable Court.

For Petitioners : M/s. S.Nambi Arooran
(in both WPs)
For Respondents : Mr.C.Munusamy
Spl Government Pleader
(in both WPs)

COMMON ORDER

These Writ Petitions are taken up and disposed of by way of common order, since the issue involved in these Writ Petitions is common.

2. Heard both sides and perused the documents available on record.

3. The case of the petitioner in W.P.No. 19127 of 2019 is that the petitioner namely K. Thamilarasi was appointed as Secondary Grade Teacher in the year 1995 and subsequently promoted as B.T. Assistant in the year 2006. Till date she has been working as B.T. Assistant without any promotion. She is eligible for promotion to the post of Head Master in Elementary Schools. The petitioner has representation dated 27.06.2019, since the 5th respondent has not consider the same, the present writ petition is filed.

4. The case of the petitioner in W.P.No. 19131 of 2019 is that the petitioner namely L. Vadivelu was appointed as B.T. Assistant in the year 2004 and he has been working as such. The post of Elementary School Head Master is a feeder category for promotion to the post of B.T. Assistant. The petitioner has representation dated 21.03.2019, since the 5th respondent has not consider the same, the present writ petition is filed.

5. The learned counsel for the petitioners submitted that the Government Orders vide 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 has clearly stated that the Secondary Grade teachers including Head Masters of Elementary Schools are eligible to handle classes 1 to 5 only in Elementary level and only the B.T. Assistants are eligible to handle classes 6, 7 and 8. The learned counsel for the petitioner further submitted that the petitioners are eligible for promotion as per proviso to Rule 36(a) of the Tamil Nadu State and Subordinate Service Rules.

6. Learned counsel appearing for the petitioners further submitted that it would suffice, if this Court issues direction to the respondent to consider and pass orders on the representation submitted by the petitioners dated 27.06.2019 and 21.03.2009.

7. Considering the limited request made by the learned counsel appearing for the petitioners, this Court hereby directs the respondent to consider the petitioners' representations dated 27.06.2019 and 21.03.2009 and pass appropriate orders on merits and in accordance with law after affording due opportunities to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

8. These writ petitions are accordingly disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government
School Education Department,
Fort St. George,
Chennai-600009.

2.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600006.

3.The Chief Educational Officer,
O/o. The Chief Educational Office,
Nagapattinam District

4. The District Educational Officer,
O/o. the District Educational Office,
Nagapattinam District

5. The Block Educational Officer,
O/o. the Block Educational Office,
Nagapattinam District

6.The Block Educational Officer
O/o.The Block Educational Office
Dharmapuri District

+2 ccs to M/s.Ajmal Associates sr 95465

+1 cc to the Government Advocate sr96583

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