

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.09.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No. 27963 of 2019
and
W.M.P.Nos. 27550 & 27552 of 2019

1. M.P.Elumalai
S/o. Parvatham,
B.T.Assistant (History),
Government Girls Higher Secondary School,
Melpallipattu,
Chengam Taluk - 606 703,
Thiruvannamalai District.

2. D.Chandra Mohan
S/o.K.Dhanaraj,
B.T.Assistant (Maths),
Government High School,
Kodiyalam,
Thiruvidaimaruthur Taluk,
Thanjavur District - 609 804

3. L.Elumalai,
S/o. Loganathan,
B.T.Assistant (Science),
Government Higher Secondary School,
Arattavadi - 606 709
Thiruvannamalai District

..Petitioners

Vs

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.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ order or direction
in the nature of writ of Mandamus, directing the respondents to
pass orders for restoring the seniority of the Petitioners in

the post of B.T.Assistant from the date of initial appointment and consequently directing the respondents to consider the Petitioners for promotion to the post of High School Headmaster/P.G.Assistant based on seniority panel, within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran
For Respondents : Mr.C.Munusamy
Special Government Pleader.

O R D E R

The prayer sought in this Writ Petition is for the issuance of a Writ of Mandamus, directing the respondents to pass orders for restoring the seniority of the Petitioners in the post of B.T.Assistant from the date of initial appointment and consequently, directing the respondents to consider the Petitioners for promotion to the post of High School Headmaster/P.G.Assistant based on seniority panel, within a time frame.

2. The Case of the first petitioner is that, he was initially appointed as Junior B.T.Assistant/B.T.Assistant on 08.09.2004 and posted in Chennai Corporation Higher Secondary School, West Mambalam, Chennai -33 and brought into regular time scale of pay from 01.06.2006. Subsequently he was transferred to Government High School, Karikalampadi, Thiruvannamalai District, coming under School Education Department on 01.07.2014 and working as such.

3. The case of the second petitioner is that he was initially appointed as Junior B.T.Assitant/B.T.Assistant on 08.09.2004 and posted in Chennai Corporation High School, M.P.T.Colony, New Washermenpet, Chennai and brought into regular time scale of pay as on 01.06.2006. Thereafter, he was transferred to Government Boys Higher Secondary School, Thiruvidamarudhur Taluk, Thanjavur District, coming under School Education Department on 12.08.2009 and further transferred to Government High School, Kodyalam, Thiruvidaimarudhur Taluk, Thanjavur District from 25.07.2012 onwards.

4. The case of the third petitioner is that he was initially appointed as Junior B.T.Assistant on 25.08.2005 and posted in Coimbatore Corporation High School, Ramalingam Colony, Coimbatore and brought into regular time scale of pay from 01.06.2006. Thereafter, he was transferred to Government Higher Secondary School, Arattavadi, Thiruvannamalai District, coming under School Education Department on 03.06.2010 and working as such, till date.

5. The Teacher Recruitment Board has issued Notification for direct recruitment to the post of B.T.Assistant for the year 2003-04 for various subjects in B.T.Assistant. The selection was made based on competitive written examination. Since the petitioners have performed well in the examination, their names were included in the selection list for the post of B.T.Assistant.

6. The fact remains that the petitioners were not issued with posting order inspite of availability of vacancies in School Education Department, and their names were included in the first selection list meant for School Education Department.

7. While so, their names have been included in the second selection list and they are given appointment order in Corporation school, contrary to the merit in the selection list and without obtaining any concurrence from them.

8. The petitioners submitted a representation seeking for transfer to School Education Department. Their request was considered after several years and they were transferred to School Education Department on 01.07.2014, 12.08.2009 and 03.06.2010 respectively stating that they

would be placed in the junior most position in the transferred unit in the post of B.T.Assistant.

9. While the matters stood thus, this Court passed orders in a batch of Writ Petitions, by holding that PG Assistant teachers transferred from Kallar Reclamation Schools to School Education Department were entitled to count their service from the date of initial appointment, since they were wrongly allotted to Kallar Reclamation Schools contrary to the selection.

10. The Government issued orders in G.O.Ms.No. 119 School Education Department, dated 03.06.2008, by which the petitioners were transferred from Kallar Reclamation Schools to School Education Department and their seniority was sought to be reckoned only from the date of joining the School Education Department, on the premise that they have been transferred from one unit to another.

11. The next avenue of promotion is the post of High School Headmaster/P.G.Assistant. Now, the panel is being drawn for promotion to the post of High School Headmaster, in which the teachers who have been appointed and got regular time scale of pay in the year 2006, have been included. Accordingly, the

juniors to the petitioners have been sought to be included in the list.

12. They have made representations to that effect and the said representations were not considered till date. Hence the present writ petition is filed.

13. The learned Special Government Pleader appearing for the respondents conceded to the request made by the learned counsel appearing for the petitioners.

14. The learned counsel for the petitioners would further submit that it would be suffice if this Court issues direction to the respondents to consider the petitioners' representations dated 15.06.2018 & 08.12.2018 respectively, within a time frame.

15. Without expressing any opinion on merits, I am inclined to issue a direction to the respondents to dispose of the Writ Petitioners' representations dated 15.06.2018 & 08.12.2018 respectively, within a period of twelve weeks from the date of receipt of a copy of this order.

16. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

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

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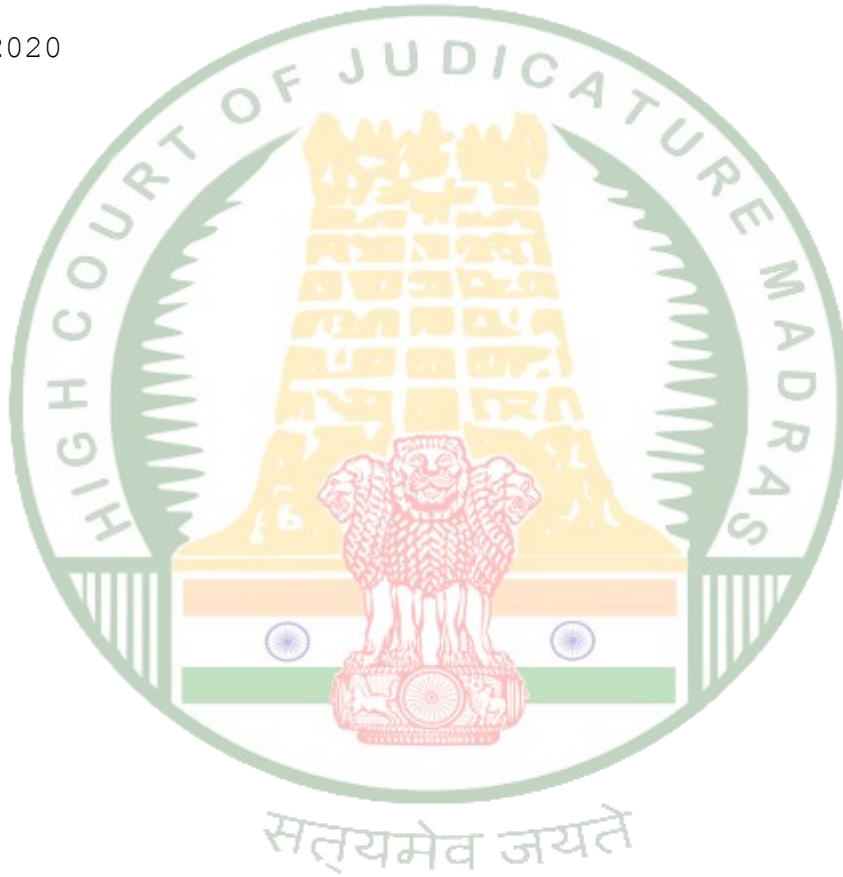
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Government Pleader SR.NO. 82278
+1cc to Mr.G.Sankaran, Advocate sr.81829

W.P.No. 27963 of 2019
and

W.M.P.Nos. 27550 & 27552 of 2019

ssd(co)
nr 27/01/2020



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