

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32036 & 32169 of 2019

and

W.MP.Nos.32285, 32286, 32458 & 32456 of 2019

1 K.Thirupathi
2 S.Sivakumar
3 P.Pasupathy
4 M.A.Pazhanivel
5 K.Ezhumalai
6 M.Raveendiran
7 V.Kumarasamy
8 R.Rajendiran
9 V.Ramachandiran
10 M.Vaideghi
11 Y.Arulappan
12 K.Murugavel
13 S.Ramani .. Petitioners 1 to 13 in WP 32036/2019
1. R.Subramanian
2. R.Sudaram
3. K.Yogasundaram
4. G.Sivakumar .. Petitioners 1 to 4 in WP 32169/2019

versus

1 State of Tamil Nadu
Rep. by the Secretary to Government School
Education Department St.Fort George
Chennai 600 009.
2 The Director of School Education
College Road, Chennai 600 006.
3 The Joint Director Kallar Reclamation,
Madurai, Madurai -20.
4 Director of Elementary Education,
College Road, Chennai 600 006.
5 Joint Director of School Education,
(Higher Secondary) College Road
Chennai 600006.

- 6 The Chairman
Teacher Recruitment Board
E.V.K. Sampath Building
D.P.I complex, Chennai 600 006.
... Respondents 1 to 6 in both WPs
- 7 The Chief Educational Officer,
Ariyalur District Ariyalur.
- 8 The Chief Educational Officer,
Villupuram District.
- 9 The Chief Educational Officer,
Thiruvannamalai District. ...Respondents 7 to 9 in
WP 32036/2019
10. The Chief Educational Officer,
Villupuram District.
11. The Chief Education Officer,
Thiruvannamalai District.
12. The Chief Educational Officer,
Salem District, Salem. ...Respondents 7 to 9 in
WP 32169/2019

Prayer in both WPs: Writ Petitions filed under Article 226 of the Constitution of India praying to issue appropriate Writs, Orders or Directions and in particular issue a Writ in the nature of MANDAMUS, directing the Respondents to include the petitioners' name in the final eligible list of Graduate Teachers eligible for promotion, to the post of Post Graduate Assistants with all consequential and monetary and other benefits.

For Petitioners : Mr.M.Gnanasekar
in both WPs
For Respondents : Mr. P.Kavitha,
in both WPs Government Advocate

O R D E R

1. The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus, to direct the Respondents to include the petitioners' name in the final eligible list of Graduate Teachers eligible for promotion, to the post of Post Graduate Assistants with all consequential and monetary and other benefits.
2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioners is that they have been selected as B.T. Assistant by the Teachers Recruitment Board and posted in the Elementary School Education and subsequently transferred to School Education Department. They made representations to the respondents requesting to take the date of their earliest appointment as the date of their joining for the purpose of selection of promotion panel and accordingly the Directorate of School Education also directed the Education Authorities to prepare promotion selection panel vide proceedings dated 26.07.2019. While so, the Joint Director of Tamilnadu School Education (Higher Education) Chennai vide proceedings dated 17.10.2019, directed the Chief Educational Officer to take the date of appointment and the teachers in the School Education Department from Unit transfer and subject report by 24.10.2019. The grievance of the petitioner is that if this is implemented they would be caused great prejudice since the proceedings are contrary to Section 42 of the Tamilnadu Government Servants (conditions of Service) Act 2016. Hence the petitioners have come forward with the present Writ Petition.
4. The learned counsel appearing for the petitioner would submit that insofar as the department transfer and Unit transfers are concerned, the petitioners names should be considered on the basis of the respective dates of their appointment in the High Schools/ Higher Secondary Schools under the control of Directorate of School Education. However, the respondents are not accepting the request of the petitioners for inclusion of their names in the promotion panel to the post of P.G. Assistants which is scheduled to be held on 16.11.2019. Therefore, the learned counsel would submit that it would suffice to issue a direction to the respondent to permit the petitioners to participate in the promotion counseling, which is scheduled to be held on 16.11.2019.
5. The learned Government Advocate appearing for the respondents would submit that there is no impediment for the respondents to permit the petitioners to participate in the promotion counseling if they are found eligible. However, if this Court directs the respondents to permit the petitioners to participate in the counseling to be held on 16.11.2019, the respondents would comply with the same and permit the petitioners to participate in the counseling. However, the learned counsel would submit that their promotion to the post of the P.G. Assistant would be subject to their eligibility.
6. Considering the facts and circumstances of the case and the submissions made on either side, this Court directs the respondents to permit the petitioners to participate in the promotion counseling to be held on 16.11.2019 and the petitioners shall make a representation to the respondents enunciating their eligibility for promotion within a period of

two weeks from the date of receipt of copy of this order and on such representation being made, the respondents are directed to consider the same and pass appropriate order therein in accordance with law and on merits within a period of two weeks thereafter.

7. These writ petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

jrs

To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
St. Fort George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Joint Director Kallar Reclamation,
Madurai, Madurai 20.
4. The Director of Elementary Education,
College Road, Chennai 600 006.
5. The Joint Director of School Education,
(Higher Secondary) College Road,
Chennai 600 006.
6. The Chairman,
Teacher Recruitment Board,
E.V.K. Sampath Building,
D.P.I. Complex, Chennai 600 006.
- 7 The Chief Educational Officer,
Ariyalur District Ariyalur.
- 8 The Chief Educational Officer,
Villupuram District.

9 The Chief Educational Officer,
Thiruvannamalai District.

10.The Chief Educational Officer,
Villupuram District.

11.The Chief Education Officer,
Thiruvannamalai District.

12. The Chief Educational Officer,
Salem District, Salem.

+19cc to Mr.M.Gnanasekar, Advocate SR.No.94766 and 94767

W.P.Nos.32036 & 32169 of 2019
and

W.MP.Nos.32285, 32286,
32458 & 32456 of 2019

NRJK(CO)
GMY(15/11/2019)

