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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33224 of 2019

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... Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai.
2. The Chief Educational Officer,
Thiruvallur.
3. The District Educational Officer,
Thiruthani.
4. The Block Educational Officer,
Pallipattu, Thiruvallur 631 207.
5. The Correspondent,
CSI Middle School, Nedungal,
Pallipat Taluk,
Tiruvallur District -631 2017

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the 3rd respondent to consider and pass orders on the proposal submitted by the 5th respondent in proceedings No. "Nil" dated "Nil" & forwarded by the 4th respondent in proceedings in Na.Ka.No.207/A1/2017 dated 21.06.2017 for conversion of Secondary Grade post into B.T.Assistant Post in the 5th respondent school in accordance with law and merits and to consequently, approve the appointment of the petitioner in the post of B.T.Assistant in English in the 5th respondent school.

For Petitioners : Ms.Swadhi Subramaniam

For Respondents : Mr.P.Raja, Government Advocate



O R D E R

This writ petition has been filed by the petitioner seeking for a direction to the 3rd respondent to consider and pass orders on the proposal submitted by the 5th respondent in proceedings No. "Nil" dated "Nil" & forwarded by the 4th respondent in proceedings in Na.Ka.No.207/A1/2017 dated 21.06.2017 for conversion of Secondary Grade post into B.T.Assistant Post in the 5th respondent school in accordance with law and merits and to consequently, approve the appointment of the petitioner in the post of B.T.Assistant in English in the 5th respondent school

2. The case of the petitioner is that he was appointed as B.T.Assistant English to teach classes 6 to 8 at CSI Middle School, Nedungal Vide order of the 5th respondent issued in Ref.No.R.C.No.CSI.DEO/BEE/SV/TS/A/BT/English / 2016-17 dated 31.01.2017. The 5th respondent school is a Christian Minority Government Aided Educational Institution. As per the order of the 5th respondent, the petitioner joined duty on 01.02.2017. The petitioner was appointed as B.T.Assistant in a vacancy caused due to transfer of one Mr.D.Paul Inbasekaran, Secondary Grade Teacher. The Government of Tamil Nadu issued G.O.Ms.No.79, School Education Department dated 14.06.2002, wherein, it was ordered that whenever a vacancy arose in the post of Secondary grade teacher, the post would be converted to that of B.T.Assistant. Further, the Government issued G.O.Ms.No.100 School Education Department dated 27.06.2003, wherein it was ordered that whenever vacancy arises in Secondary Grade Teacher Posts, then such post shall be filled up with B.Ed graduates. Thereafter, the Government issued G.O.Ms.No.244 School Education Department dated 22.09.2007 ordering that Secondary Grade teacher posts teaching classes 6 to 8 converted to B.T.Assistant posts shall be filled up not only with Maths, Science and English Subjects but also other subjects. Thereafter, Government issued G.O.Ms.No.144, School Education Department dated 04.07.2008 extending to G.O.Ms.No.244 to aided schools also.

3. The petitioner states whenever a vacancy arose in the post of Secondary Grade Teacher for teaching classes 6 to 8, the same would automatically be converted to B.T.Assistant and the teachers, who possessed the B.Ed qualification can only be appointed in the said post. Accordingly, the petitioner is eligible for appointment of B.T.Assistant post in the vacancy caused due to transfer of Mr.D.Paul Inbasekaran, Secondary Grade Teacher. This issue was analysed by the Hon'ble Division Bench of this Court in WA (MD) No.1350 of 2017 vide its order dated 14.11.2017, wherein the Hon'ble Division Bench has clearly held that no prior permission is required to convert a Secondary



Grade Teacher post to B.T.Assistant Post and this Hon'ble Court, once again reiterated the said stand in W.A.(MD) No.1497 of 2019. In this regard, the petitioner has submitted a representation dated 07.11.2019 seeking to approve the appointment of the petitioner in the post of B.T.Assistant in English in the 5th respondent school.

4. When the matter is taken up for hearing, the learned counsel for the petitioner confined his argument and submitted that it would suffice if a direction is given to the 3rd respondent to consider the representation of the petitioner.

5. Heard the submission of both sides and perused the material placed before it.

6. Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the 3rd respondent to consider the representations of the petitioner dated 07.11.2019 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To

1. The Director of Elementary Education,
College Road,
Chennai.
2. The Chief Educational Officer,
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3. The District Educational Officer,
Thiruthani.
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5. The Correspondent,
CSI Middle School, Nedungal,
Pallipat Taluk,
Tiruvallur District -631 2017.

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+1cc to Mr.R.Prem Narayan, Advocate, SR.No.98789.
+1cc to Government Pleader, SR.No.99992.

W.P.No.33242 of 2019

VD(CO)
CSR:22.01.2020