



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.14163 of 2019

and

W.M.P. (MD) Nos.10636 & 10637 of 2019

N.Raja

... Petitioner

Vs.

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

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

3.The Director of School Education,
O/o. Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

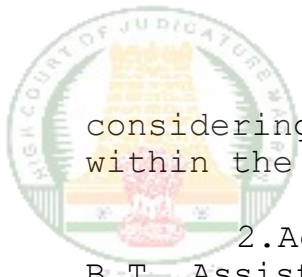
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to recruit/appoint the petitioner and other Head Master of High School as Head Master of Higher Secondary School in the ratio of 3:6 from the post of Headmaster of High School and P.G. Assistants respectively, by rectifying the anomaly in G.O.Ms.No.260, School Education (u.f.2(1)) Department, dated 11.12.2017 and by considering the petitioner's representation dated 28.05.2019, within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to recruit/appoint the petitioner and other Head Master of High School as Head Master of Higher Secondary School in the ratio of 3:6 from the post of Headmaster of High School and P.G. Assistants respectively, by rectifying the anomaly in G.O.Ms.No.260, School Education (g.f.2(1)) Department, dated 11.12.2017 and by

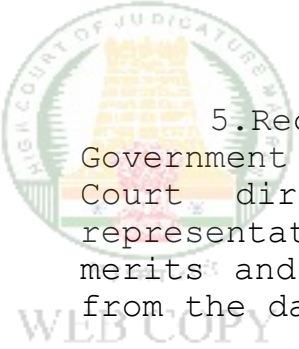


considering the petitioner's representation dated 28.05.20019, within the period that may be stipulated by this Court.

2. According to the petitioner, he was initially appointed as B.T. Assistant on 17.07.2002 at Block Resource Teacher Educator and promoted as P.G. Assistant (Economics) and further posted as Headmaster of High School through recruitment by transfer on 04.08.2018. Further, the post of P.G. Assistant as well as the post of Headmaster of High School are the feeder categories for the post of Headmaster of Higher Secondary School through recruitment by transfer. As per G.O.Ms.No.720, School Education Department, dated 28.04.1981, the ratio was prescribed as 50:50. Subsequently, it was modified as 2:5 by virtue of G.O.Ms.No.1619, School Education Department, dated 18.10.1988. While so, there were inducted P.G. Assistants in the Higher Secondary level and they were also given chance for promotion and therefore, the ratio was fixed as 2:5:2 (2 High School Headmaster : 5 P.G. Assistants : 2 Inducted P.G. Assistants). The said procedure was followed as per G.O.Ms.No.815, School Education Department, dated 11.09.1992. Even though the P.G. Assistants are eligible and forming part of the feeder category, they were not equally considered like that of other feeder categories. There were inducted P.G. Assistants in the Higher Secondary Section and all those teachers were retired two years back and as on date, there were no inducted P.G. Assistants.

3. According to the petitioner, the Government issued G.O.Ms.No.260, School Education Department, dated 11.12.2017, in and by which, the ratio of 2:5:2 was changed into that of 2:7 and thereby, while giving promotion to 7 P.G. Assistants, only two will be given to Headmaster of High School. Perusal of the said Government Order dated 11.12.2017 reveals that since there are more number of P.G. Assistants, they are not in a better position as compared with that of the Headmaster of High School and therefore, the ratio provided for the inducted P.G. Assistants may be exclusively provided for the P.G. Assistants. The said finding is contrary to the actual position, as the P.G. Assistants are also considered for the post of Headmaster of High School. The first respondent while issuing the said Government Order, has not considered the claim of the Headmaster of High School, nor they were put on notice in that regard. The said Government Order has been issued in pursuant to the proposal submitted by the second respondent, who also, did not choose to consider the grievances of the Headmaster of the High School. Hence, the petitioner has sent representation to the respondent, but so far, no action has been taken. The counselling for promotion to the post of Headmaster of Higher Secondary School is scheduled to be held on 08.07.2019.

4. Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents submitted that the respondents would consider the petitioner's representation and pass orders within a time frame to be fixed by this Court.



5. Recording the submission made by the learned Special Government Pleader, without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 28.05.2019 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of, with the above direction. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government of Tamil Nadu,
Higher Education Department,
Secretariat,
Chennai - 600 009.

2. The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 600 009.

3. The Director of School Education,
O/o. Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate SR-73111.

W.P. (MD) No. 14163 of 2019
02.07.2019

CS: (08/07/2019) 3P 5C