

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.3762, 3767 and 3816 of 2013

And

M.P.Nos.1 to 1 of 2013

P.Jegadeeswari ... Petitioner in W.P.3762/2013
T.Saramary ... Petitioner in W.P.3767/2013
G.Usharani ... Petitioner in W.P.3816/2013

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
Education Department,
Fort St.George,
Secretariat
Chennai - 600 009.
- 2.The Director of School Education
College Road,
Chennai - 600 006.
- 3.The Joint Director of School Education,
Higher Secondary,
College Road,
Chennai - 600 006. ... Respondents 1 to 3 in all the W.Ps.
- 4.The Chief Educational Officer,
Dharmapuri District, सत्यमेव जयते
Dharmapuri. ... 4th Respondent in W.P.3762/2013
- 4.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri. ... 4th Respondent in W.P.3767/2013
- 4.The Chief Educational Officer,
Thiruvallur District,
Thiruvallur. ... 4th Respondent in W.P.3816/2013

Common Prayer: Petitions filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus directing the

respondents to implement the G.O.Ms.No.79, Education Department, dated 18.01.1990 thereby including the petitioners name in the panel and promote the petitioners as Post Graduate Assistants under 10% quota reserved out of 50% direct recruitment as per the G.O.Ms.No.79, Education, dated 18.01.1990.

For Petitioners: Mr.J.Selvarajan

For Respondents: Mr.S.Suresh Kumar
Government Advocate

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents to implement G.O.Ms.No.79, Education Department, dated 18.01.1990, thereby including the petitioners name in the panel and to promote the petitioners as Post Graduate Assistants under 10% quota reserved out of 50% direct recruitment as per G.O.Ms.No.79, Education, dated 18.01.1990.

2.The petitioners are Teachers in Government Schools working in the pay scale of Secondary Grade Teachers. The case of the petitioners is that the Government during the year 1990 issued G.O.Ms.No.79, School Education Department, dated 18.01.1990, wherein, orders were issued to amend the Special Rules for the Tamil Nadu Higher Secondary Educational Service and the Tamil Nadu School Educational Service, providing ten percent reservation out of fifty percent of substantive vacancies to be filled by direct recruitment from among the qualified Secondary Grade Teachers and other Teachers with secondary grade scale of pay and language Pandits working in recognized Higher Secondary Schools, High Schools, Middle Schools and Elementary Schools under Local Bodies (Corporation and Municipal) and all Aided Managements. The Teachers of erstwhile Panchayat Union were made Government Servants from 01.06.1981 and no provision was made in the above said Government Order for the Secondary Grade Teachers of Panchayat Union Schools who are covered by the Tamil Nadu Elementary Educational Subordinate Service.

3.It is the further case of the petitioners that subsequently, the Government issued G.O.Ms.No.132, Education Department, dated 21.02.1995 to effect that 10% of the vacancies under direct recruitment of the posts of School Assistant in the Tamil Nadu School Educational Subordinate Service and 10% of vacancies under direct recruitment of the posts of Post Graduate Assistants in academic subjects and languages in the Tamil Nadu Higher Secondary Educational Service be reserved for appointment by the qualified and eligible Secondary Grade Teachers under the

Tamil Nadu Elementary Education Subordinate Service.

4.It is the further case of the petitioners that they are fully qualified for the post of Post Graduate Assistant, however, they were not considered for the same. Hence, the petitioners made representations dated 23.11.2012 to the third respondent and even thereafter, they were not considered for the said post. Hence, the petitioners have filed these writ petitions.

5.The learned counsel appearing for the petitioners would submit that it would suffice if this Court issues direction to the third respondent to consider the petitioners representations dated 23.11.2012.

6.In view of the limited relief now sought for by the learned counsel appearing for the petitioners, this Court without going into the merits of the case, directs the third respondent, i.e., The Joint Director of School Education, Higher Secondary, College Road, Chennai, to consider the petitioners representations dated 23.11.2012 and to pass appropriate orders on the same, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. The petitioners are directed to send a copy of the representations dated 23.11.2012, along with a copy of this order to the third respondent, so as to enable the third respondent to pass appropriate orders.

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

Sd/-

Assistant Registrar (MDU)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Education Department,
Fort St.George,
Secretariat
Chennai - 600 009.

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

3.The Joint Director of School Education,
Higher Secondary,
College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.

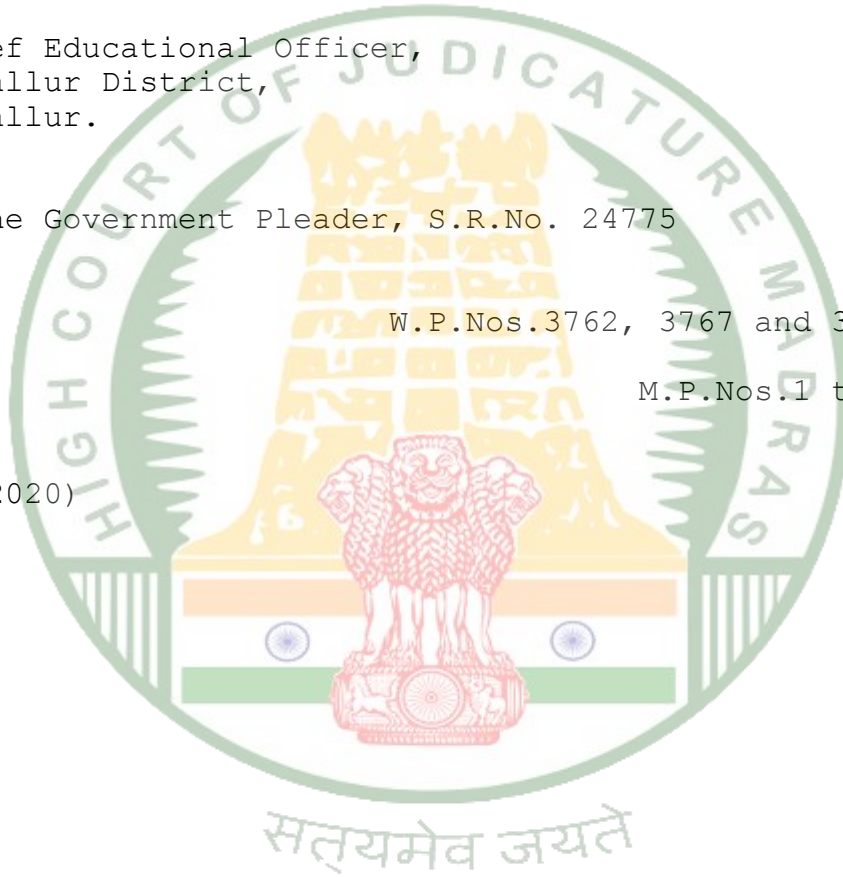
5.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.

6.The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

+1cc to the Government Pleader, S.R.No. 24775

W.P.Nos.3762, 3767 and 3816 of 2013
And
M.P.Nos.1 to 1 of 2013

PVS (CO)
GN(06/08/2020)



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