



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.17010 of 2012

and

M.P. (MD)No.2 of 2012

WEB COPY

- 1.G.Ganapathy
- 2.S.Ramesh
- 3.R.Balasubramanian
- 4.May Durai Samuel Santhosharaj
- 5.R.Jeyakumar
- 6.D.Subramanian
- 7.S.Sekar
- 8.G.Sundaramoorthy
- 9.Vadamalai
- 10.M.K.Theagarajan
- 11.M.Chinnamoni
- 12.J.Baskar
- 13.D.Balasubramanian
- 14.P.Rajasekaran
- 15.Thangavelu
- 16.K.Abdul Raheem
- 17.C.Shanmuganathan
- 18.Gunasekaran
- 19.R.Adaikkan

... Petitioners

Vs.

- 1.The State of Tamil Nadu
represented by its
Secretary to the Government,
School Education Department,
Fort St.George, Chennai.

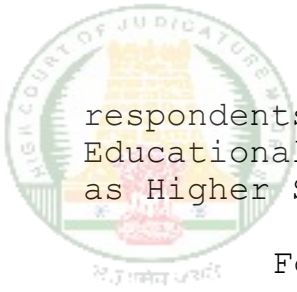
- 2.The Secretary to the Government,
Department of Law,
Fort St. George,
Chennai.

(R.2 is deleted vide Court order
dated 23.09.2014)

- 3.The Director of School Education,
College Road, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of declaration to declare G.O.Ms.No.105, dated 04.07.2006 consequent G.O.Ms.No.528, dated 31.12.1997 and consequent G.O.Ms.No.155, dated 03.07.2009, issued by the first respondent herein are null and void and further direct the



respondents to promote the petitioners to the post of Chief Educational Officer taking into account of their length of service as Higher Secondary School Head Master.

For Petitioner : Mr.B.Prahalad Ravi
for M/s Hallmark Associates

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R.1 and R.3

ORDER

The *lis* on hand is a writ of declaration to declare G.O.Ms.No.105, dated 04.07.2006, G.O.Ms.No.528, dated 31.12.1997 and G.O.Ms.No.155, dated 03.07.2009 are null and void and direct the respondents to promote the petitioners to the post of Chief Educational Officer.

2. The impugned Government Orders are with reference to the promotion to the post of Chief Educational Officer from amongst to the eligible candidates from the feeder category of District Elementary Officer. The petitioners are holding the post of Headmasters in Higher Secondary Schools. The learned Counsel appearing on behalf of the petitioners made a submission that the post of Headmasters in Higher Secondary Schools are equivalent to the post of District Educational Officer and therefore, the petitioners must be promoted to the post of District Educational Officer and Chief Educational Officer, as they are fully qualified for promotions.

3. In the connected matter filed by the other writ petitioners in W.P.(MD)No.9207 of 2014, this Court passed orders today (09.10.2020) and the relevant portions of the said order are extracted hereunder:

4. *The Service Rules in force in the State of Tamil Nadu, more specifically, the Education Department is no way connected with the Service Rules and Conditions of the other State Government employees across the country. As far as the State Government employees are concerned, every State has got its own Rules and Regulations regarding the service conditions. Thus comparing the other State Government employees for the purpose of getting promotion would not be of any avail to the writ petitioner.*

5. *Promotion per se cannot be claimed as a matter of legal right. Promotions are to be made strictly in accordance with the rules in force. All eligible candidates, who all are aspiring and longing to get promotion, should be considered by the competent*



authorities, while undertaking the preparation of panel and grant of promotions. Thus, promotion cannot be a right, however consideration for promotion is a right. The question of consideration would arise only as per the Service Rules in force. As far as the Education Department is concerned, the post of Chief Educational Officer, Headmasters of Higher Secondary Schools and District Educational Officers are different posts. Each post has got its own Rules for appointment and for promotion. The post of District Educational Officer is the feeder category for promotion to the post of Chief Educational Officer. On that basis, the petitioners are claiming that the post of Headmasters of the Higher Secondary Schools should be treated equivalent to the post of District Educational Officer. The duties and responsibilities attached to the post of District Educational Officer and the Headmasters of Higher Secondary Schools cannot be compared. This apart these all are the policy decisions taken by the Government by making proper assessment with the experts in the field. Such a policy decision cannot be issued by way of a direction in a writ petition filed under Article 226 of the Constitution of India. Thus, it is for the petitioners to approach the Competent Authorities for the purpose of redressing their grievances and this Court cannot issue any direction to create promotional avenue or to equate the post of the Headmasters with the post of District Educational Officer.

4. In view of the order passed in the above writ petition, the prayer akin to that the prayer sought for in the earlier writ petition, deserves no merit for consideration. Thus the grievances of the writ petitioners can be redressed by approaching the competent authorities and accordingly, the writ petitioners are at liberty to approach the authorities for appropriate remedy. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

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To

1.The Secretary to the Government,
State of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai.

2.The Director of School Education,
College Road, Chennai.

W.P. (MD) No.17010 of 2012

09.10.2020

ARK (CO)

NR (29/10/2020) 4P : 3C