



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.16824 of 2014

1. R.K.Ravichandran

2. D.Janaki Ram Ganesh

Petitioners

Vs

1. The Director of School Education

D.P.I.Campus, College Road

Chennai - 600 006

2. The Joint Director of School Educational (Personnel)

College Road

Chennai - 600 006

3. The Secretary to Government

Education Department

Secretariat

Chennai - 9

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records connected with impugned order passed by the second respondent in Letter No. Na.Ka.No.58989/A4/E3/2011 dated 29.08.2016 and quash the same and consequently to direct the second respondent to re-fix the seniority in the category of Junior Assistants/Typists as directed by the third respondent in his letter dated 27.08.2015 and consequential orders of promotion by including the petitioners names in additional panel for the year 1999-2000.

For Petitioner : Mr. S.Govindan

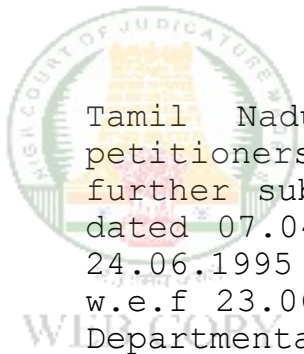
For Respondents : Mr.N.Shanmuganandam

Special Government Pleader

O R D E R

This writ petition is filed to call for the records connected with the impugned order passed by the second respondent in Letter No. Na.Ka.No.58989/A4/E3/2011 dated 29.08.2016 and quash the same and consequently to direct the second respondent to re-fix the seniority in the category of Junior Assistants/Typists as directed by the third respondent in his letter dated 27.08.2015 and consequential orders of promotion by including their names in additional panel for the year 1999-2000.

2. The case of the petitioners is that they were appointed as Typists temporarily and joined service on 06.08.1990 nad 17.03.1989 respectively and they continued to hold the said post for more than 5 years, without any break. Taking into consideration of their long service, the Government decided to conduct Special Test through



Tamil Nadu Public Service Commission on 24.06.1995 and the petitioners came up successful in the above examination. It is further submitted that in terms of G.O.Ms.No.71 P & AR Department, dated 07.04.2000, their services were regularised with effect from 24.06.1995 and they have been declared as approved probationers w.e.f 23.06.1997 AN. Further, the petitioners have also passed the Departmental examination in the year 1995 and 1997 respectively.

2.1. Though, the petitioners are fully qualified for promotion to the post of Assistant, their names were not included in the promotion panel. The problem of erroneous fixation of seniority is due to the recruitment of junior Assistant from various sources apart from Tamil Nadu Public Service Commission, like compassionate ground appointment, transfers from other departments to Education Department etc., For Subsequent representations made by the petitioners, the second respondent has replied that since two promotions were already made in the category of Assistants and Superintendents, the seniority position could not be altered. The delay is due to the delay caused in framing the Adhoc rules in 2000, for those who were appointed in 1989 and 1990. In this regard, the Government has passed G.O.Ms.No.71 dated 07.04.2000, wherein, it was clearly stated about the seniority in the category of Junior Assistants should be fixed just below those who have been recruited by Tamil Nadu Public Service Commission in 1994. Since the same has not been followed by the respondents, the petitioner has come up with this present Writ Petition.

3. No counter affidavit has been filed by the respondents. Mr.N.Shanmuganandam, learned Special Government Pleader takes notice for the respondents.

4. A perusal of the Government Order in G.O.Ms.No.71, Personnel & Administrative Reforms(P) Department, dated 07.04.2000, clearly shows about the commencement of probation, seniority and fixation of pay for the persons appointed through the Special Qualifying Examination in 1995. More particularly, in Column No.7, it was stated as follows:-

7. Seniority:- The seniority of a person appointed through the Special Qualifying Examination in 1995 irrespective of the date of commencement of probation shall be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu Public Service Commission. The candidates appointed through Special Qualifying Examination in 1995 shall take seniority below the candidates selected from the Main list, Reserve list and beyond the Reserve list of candidates drawn for the posts of Junior Assistant and Typist and the Reserve List of Steno-Typist drawn separately for this post on the results of the



Group-IV Services regular competitive examinations conducted by the Tamil Nadu Public Service Commission in 1994.

The above Government Order is squarely applicable to the present case and in my opinion, the petitioners are entitled for re-fixation of the seniority as per G.O.Ms.No.71, Personnel & Administrative Reforms(P) Department, dated 07.04.2000.

5. In view of the above, the impugned order passed by the second respondent in Letter No. Na.Ka.No.58989/A4/E3/2011 dated 29.08.2016 is hereby quashed. Although the petitioners had made their representations during 2016, the petitioners are directed to make fresh representations, enclosing a copy of this order to the second respondent and there shall be a direction to the second respondent to re-fix the seniority of the petitioners in the category of Junior Assistants/Typists, in the light of G.O.Ms.No.71, Personnel & Administrative Reforms(P) Department, dated 07.04.2000, within a period of twelve weeks from the date of receipt of fresh representation along with a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

To

1. The Director of School Education
D.P.I.Campus, College Road
Chennai - 600 006

2. The Joint Director of School Educational (Personnel)
College Road, Chennai - 600 006

3. The Secretary to Government
Education Department
Secretariat, Chennai - 9

+1 CC to M/s.R.RENGARAMANUJAM, Advocate (SR-2268[F]

+1 CC to M/s.SPL.GP (SR-2589[F] dated 23/01/2020)

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SMA/07/02/2020/3P/6C