



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

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

W.P. (MD)No.15387 of 2015
M.P(MD) .Nos.1 and 2 of 2015

A.Lakshmi

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Principal Secretary,
Department of School Education,
Secretariat,
Chennai-9.
- 2.The District Elementary Educational Officer,
O/o.District Elementary Educational Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 4.The Additional Assistant Elementary Educational Officer,
O/o.the Additional Assistant Elementary Educational Officer,
Kariyapatti,
Virudhunagar District.
- 5.The Panchayat Union Elementary School,
Previously called as Bharath Primary School,
Kariyapatti,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Government Order (Nilai) No.129 School Education (Tho Ka. 2(1) Department dated 03.08.2015 on the file of the Respondent No.1 and quash the same as illegal and consequently, reckon the seniority of the petitioner from 20.07.1990 as second grade teacher and further consequently, direct the respondents No.1 to 4 to promote the petitioner as Headmistress of as Respondent No.5's school with all consequential benefits within the time period stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
for M/s.Kanimozhi

For Respondents: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

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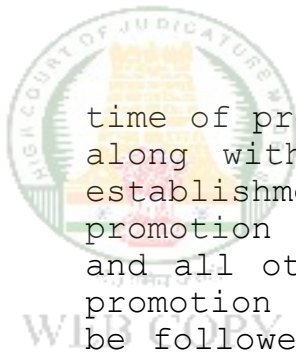
ORDER

The relief sought for in the present writ petition is to quash the Government Order (Nilai) No.129, School Education (Tho Ka. 2(1) Department, dated 03.08.2015, and to direct the respondents to reckon the seniority of the petitioner from 20.07.1990, as Second Grade Teacher and further to direct the respondent Nos.1 to 4 to promote the petitioner as Headmistress in the fifth respondent's school.

2.The writ petitioner was appointed as Second Grade Teacher in the fifth respondent's School on 20.07.1990. Originally, the fifth respondent's School was a Government aided school and the petitioner was appointed as Headmistress(In-charge) of the very same school during the year 2010. The petitioner states that she continued as Headmistress(In-charge) for about 5 years.

3.The Government of Tamil Nadu has taken a decision to absorb the said School as Government School. While taking over the Government Aided School as Government School, the Government issued an order in G.O.Ms.No.129, dated 03.08.2015, all the 9 teachers, who were working at the time of taking over the School by the Government, were granted benefits of relaxation of rules and accordingly, they were brought under the establishment of the Government and they were treated as a Government Teachers for all purpose. Rule 2 of Tamil Nadu Elementary Education Subordinate Service Rules as well as Rule 4, relating to the reservation were relaxed in favour of the writ petitioner and they were appointed as Government Teachers in a Government School.

4.Once the aided School Teachers are brought under the Government service by relaxing the rules, the same itself is a concession. While taking over the aided school as Government School, the Government thought fit and consider the case of the teachers, who are all working in the school and converted them as a Government Teachers by relaxing the relevant rules. At the time of passing of the Government Order, the writ petitioner was working as a Headmistress (In-charge). The decision of Government of Tamil Nadu would not confer any right on the candidate to claim permanent appointment/promotion to the post of Headmistress. The appointment or promotion to the post of Headmistress is to be made strictly in accordance with the rules. All eligible persons, who are all waiting for promotion to the post of Headmistress is to be considered at the



time of preparation of panel and selection. Once the writ petitioner along with all other teachers were brought under the Government establishment as Government Teachers, their candidature for promotion is to be considered strictly in accordance with the rules and all other eligible candidates, who are all waiting for further promotion to the post of Headmistress. This being the principles to be followed, the claim of the writ petitioner for promotion to the post of Headmistress cannot be granted, based on the Government Orders and further, the Teachers were absorbed as Government Teachers by relaxing the rules. Relaxation itself is by concession. Thus, the case of the writ petitioner for promotion has to be considered all along with other eligible candidates, who all are waiting for promotion to the post of Headmistress in accordance with the rules.

5. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary,
Department of School Education,
Secretariat,
Chennai-9.
2. The District Elementary Educational Officer,
O/o. District Elementary Educational Officer,
Virudhunagar District,
Virudhunagar.
3. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar District,
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4. The Additional Assistant Elementary Educational Officer,
O/o. the Additional Assistant Elementary Educational Officer,
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Virudhunagar District.



5.The Panchayat Union Elementary School,
Previously called as Bharath Primary School,
Kariyapatti,
Virudhunagar District.

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+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-20593[F] dated
20/10/2020)

W.P. (MD) No.15387 of 2015
M.P (MD) .Nos.1 and 2 of 2015

16.10.2020

NA (CO)

NR (05/11/2020) 4P : 7C