



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

WEB COPY

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

W.P. (MD)No.9207 of 2014

- 1.P.Natarajan
- 2.M.Nalla Mohamed
- 3.M.Masanam
- 4.A.K.Jeganathan
- 5.R.Velraj
- 6.P.V.Tamilselvi
- 7.T.Daisy Nirmala Rani
- 8.M.Duraipandi
- 9.H.Pangajam
- 10.M.Mariappan
- 11.P.Mahalakshmi
- 12.H.Abdul Sathar
- 13.A.Selvaraj
- 14.S.Angayarkanni
- 15.M.Ganesan
- 16.M.Mohamed Abdullah

.. Petitioners

Vs.

1.The State of Tamil Nadu
Rep. by its Principal Secretary,
School Education Department,
St.George Fort, Chennai-9.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to create promotional avenue to consider the petitioners for appointment by promotion to the post of Chief Educational Officer treating the post of Headmasters of Higher Secondary School as equivalent to the post of District Educational Officer in the light of judgment in State of Tripura and Others Vs.K.K.Roy reported in 2004(9)SCC65 within the period that may be stipulated by this Court.



For Petitioners
For Respondents

: Mr.N.Ponniah for M/s.Ajmal Associates
: Ms.S.Srimathy
Special Government Pleader

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ORDER

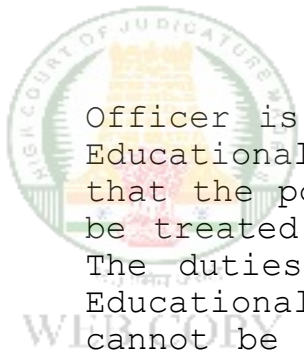
The relief sought for in the present writ petition is for a direction to the first respondent to create promotional avenue to consider the petitioners for appointment by way of promotion to the post of Chief Educational Officer treating the post of Headmasters of Higher Secondary School as equivalent to the post of District Educational Officer in the light of judgment in ***State of Tripura and Others Vs. K.K.Roy***, reported in ***2004 (9) SCC 65*** within the period that may be stipulated by this Court.

2. The petitioners are working Headmasters of the Higher Secondary Schools. The grievances of the writ petitioners are that the promotional avenue is to be created to consider the petitioners for appointment by way of promotion to the post of Chief Education Officer treating the post of Headmasters of Higher Secondary School as equivalent to the post of District Educational Officer.

3. The relief is self-speaking. The relief indicates that the petitioners are aspiring to secure promotion to the post of Chief Educational Officers by treating the post of Headmasters of the Higher Secondary School as equivalent to the post of District Educational Officer.

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.

6. With this liberty, the writ petition stands disposed of.
No Costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The Principal Secretary,
State of Tamil Nadu,
School Education Department,
St.George Fort, Chennai-9.

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

**Order Made in
W.P. (MD)No.9207 of 2014**

09.10.2020

KMV (CO)

NR (16/10/2020) 3P : 3C