



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. NO.25252 OF 2008

1. R.Vadivel

2. K.Rajamani

3. N.A.Selvaraj

...Petitioners

Vs.

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

2. The Director of Elementary Education,
DPI Campus, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records from the 1st respondent with regard G.O.No. 166 dated 07.06.1999 and quash the same insofar as it has ordered relaxation of the second proviso to Rule 36(a) of the Tamil Nadu State and Subordinate Service Rules in the matter of promotion to the post of Headmasters - Middle Schools and direct the 1st respondent to consider the petitioners to the post of Headmaster Middle School without such relaxation and in any event re-consider any continued requirement of such relaxation.

For Petitioner : No Appearance

For Respondents : Mr.C.Selvaraj,
Government Advocate



ORDER

There is no appearance for the petitioners.

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2. Mr.C.Selvaraj, learned Government Advocate appearing for the respondents i.e., the Government of Tamil Nadu/R1 and the Director of Elementary Education/R2 would submit that the first petitioner R.Vadivel has shifted his avenue of service and is not employed any longer with the Police Force. The second petitioner, T.Rajamani has retired from service.

3. The prayer sought for by the petitioners is for relaxation of the 2nd proviso to Rule 36 (a) of the Tamil Nadu State and Subordinate Service Rules and a direction to R1 to consider the appointment of the petitioners to the post of Headmaster Middle School without the aforesaid relaxation. This prayer does not survive in light of the factual position qua the present status of the petitioners noted in paragraph-1 above. This writ petition is thus dismissed as against the 1st and 2nd petitioners.

4. As regards the 3rd petitioner, though he continues in service, the prayer challenging G.O.No.166 dated 07.06.1999 is liable to be dismissed insofar as the challenge to the aforesaid G.O. has already been rejected by this Court in W.P.No.15794 of 2013, wherein this Court has followed its earlier decision in W.P.No.21430 of 2015 dated 16.07.2015, to the same effect. Thus, the prayer of the 3rd petitioner is not liable to be accepted for promotion.

5. This writ petition is dismissed as against the 3rd petitioner as well. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

rkp/ska

