



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.25137 of 2021 and
WMP No.26498 & 26500 of 2021

1. S.Vadivel
2. S.Jothi
3. K.Sudhamathi
4. T.Krishnaveni
5. P.Tharani
6. K.Kalaivani

... Petitioners

Vs.

1. The State of Tamilnadu,
rep. y its Principal Secretary to government,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road, Chennai 600 006. ... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondents to fill up 2% vacancies to the post of B.T.Assistant earmarked for non-teaching staff in School Education Department coming under Tamil Nadu Ministerial Service by recruitment by transfer including the backlog vacancies from the year 2012 onwards in compliance with ratio rule prescribed as per G.O.Ms.No.175, School Education Department dated 19.07.2007 and Special Rules for Tamil Nadu elementary Education Subordinate Service, before drawal of any panel for promotion to the post of B.T. Assistant, based on the representation of the petitioners and pass orders.

For petitioners : Mr.G.Sankaran

For respondents : Mr.V.Manoharan, Addl.Govt. Pleader
for R1 to R3.



ORDER

This writ petition has been filed for direction to the respondents to fill up 2% vacancies to the post of B.T. Assistant earmarked for non-teaching staff in School Education Department coming under Tamil Nadu Ministerial Service by recruitment by transfer including the backlog vacancies from the year 2012 onwards in compliance with ratio rule prescribed as per G.O.Ms.No.175, School Education Department dated 19.07.2007 and Special Rules for Tamil Nadu elementary Education Subordinate Service, before drawal of any panel for promotion to the post of B.T. Assistant, based on the representation of the petitioners and pass orders.

2. The case of the petitioners in brief:

The petitioners are working as Non-Teaching staffs coming under the Tamil Nadu Ministerial Service in School Education Department, qualified with Bachelor Degree and B.Ed. According to them, they are eligible to be promoted to the post of B.T.Assistant, under 2% vacancy earmarked, as per G.O.Ms.No.175 dated 19.07.2007. While filling up vacancies to the post of B.T.Assistant, 2% of vacancies to be filled up by drawal of panel from the eligible persons working in non-teaching staffs in School Education Department. The panel was lastly drawn for 2% category from the eligible non-teaching post in the year 2011, as per the proceedings of the third respondent dated 22.01.2011. Whereas, the respondents have not drawn panel for 2% vacancies meant for non-teaching staff from the year 2012, while filling up 48% of vacancies by promotion from the feeder post every year.

2.1. The third respondent issued proceedings dated 11.10.2021, calling for particulars with reference to vacancy position to the post of B.T.Assistant in every school and taking steps to fill up the post of B.T.Assistant by promotion; but 2% vacancies meant for non-teaching staff, including the backlog vacancies from the year 2012 are not sought to be filled up, in violation of Service Rules. Therefore, serious prejudice has been caused to the petitioners and others working in non-teaching post and qualified for promotion to the post of B.T.Assistant under 2% reserved category. Hence, this writ petition.

3. Today, when the case is listed for admission, the learned counsel for the petitioners made a request before this court that, though this writ petition has been filed seeking larger relief, the petitioners are restricted to the relief of direction to the respondents to consider their representations and pass appropriate orders.

4. The learned Additional Government Pleader submitted that, the petitioners have submitted their representation before the



Joint Director of School Education, without enclosing any appropriate proof. He further submitted that, if the petitioners submitted representations along with the proof before the Commissioner of School Education, the second respondent herein, such representations would be duly considered and appropriate decision would be taken, in accordance with the rules.

5. In view of the above submissions made by the learned counsel for both sides, without going into the merits of this case, this court is inclined to pass orders.

6. Accordingly, the petitioners are directed to make their respective fresh representations along with necessary proof, before the second respondent, within a period of one week from the date of receipt of a copy of this order; and on such representations being received, the second respondent is directed to consider the same and pass orders in accordance with law, within a period of four weeks from the date of receipt of the representations.

7. With the above observations, this writ petition is disposed of. Consequently, connected writ miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

1. The Principal Secretary to government,
State of Tamilnadu,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road, Chennai 600 006.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.61315

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KSM(CO)
SB(29/11/2021)