

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.28235 of 2017 & 2024 of 2019  
and

W.M.P.Nos.30356 of 2017 & 2281 of 2019

- 1.V.Murugesan
  - 2.C.Nagarajan
  - 3.S.Mathi
  - 4.S.Selvaganesan
- ...Petitioners in both cases

Vs

- 1.The State of Tamil Nadu,  
Rep.by its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St.George,  
Chennai-600 009.
  - 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
  - 3.The Member Secretary,  
Teachers Recruitment Board,  
Fourth Floor, EVK Sampath Maligai,  
DPI Compound, College Road,  
Chennai-600 006.
- ...Respondents in  
W.P.No.28235 of 2017

- 1.The State of Tamil Nadu,  
Rep.by its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St.George,  
Chennai-600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 3.The Chief Educational Officer,  
Namakkal District,  
Namakkal.
- 4.The Chief Educational Officer,  
Dindigul District,  
Dindigul.

5.The Chief Educational Officer,  
Sivagangai District,  
Sivaganagai.

...Respondents in  
W.P.No.2024 of 2019

Prayer in W.P.No.28235 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for fixation of seniority of the petitioners in the post of PG Assistant by counting the services rendered from the date of initial appointment to the post of PG Assistant by taking note of the discrepancy in allotment of department even prior to publication of final selection list based on total marks secured in the selection by respondent Teachers Recruitment Board, with all consequential and other attendant benefits including promotion to the post of Higher Secondary School Headmaster, within a time frame.

Prayer in W.P.No.2024 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for inclusion of the name of the petitioners for promotion to the post of Higher Secondary School Headmaster for the year 2019 in pursuant to the proceedings of the second respondent in Na.Ka.No.3720/W1/E1/2019 dated 11.01.2019 by reckoning the seniority from the date of initial appointment to the post of PG Assistant with all consequential and other attendant benefits.

For Petitioners: Mr.G.Sankaran  
(in both cases)

For Respondents: Mr.Thippu Sulthan  
Government Advocate  
(in both cases)

#### COMMON ORDER

By consent of both the parties, these writ petitions are taken up for final disposal.

2. The petitioners are aggrieved against the inaction on the part of the respondents in fixing the seniority of the petitioners to the post of PG Assistant by counting the services rendered by them from the date of their initial appointment to the post of PG Assistant and the non-inclusion of their names in the promotion panel for the post of Head Master for the year 2019.

3. This Court is of the view that fixation of seniority or non- inclusion of the names of the petitioners in the promotion panel is based on factual aspects and this Court may not be justified in stepping into the shoes of the authorities for the purpose of interfering either with the seniority list

or the promotion panel. Nevertheless, if the concerned respondent is directed to consider the petitioners' grievances and pass appropriate orders based on the representations to be given by them, the ends of justice could be secured.

4. In the light of the observations made above, the petitioners are at liberty to give a consolidated representation ventilating their grievances to the Director of School Education, Chennai, and on receipt of the same, the concerned authority shall consider the representation on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of the representations of the petitioners.

5. The writ petitions stand ordered accordingly. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-  
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

hvk/sbn

To

1.The Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St.George,  
Chennai-600 009.

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

3.The Member Secretary,  
Teachers Recruitment Board,  
Fourth Floor, EVK Sampath Maligai,  
DPI Compound, College Road,

4.The Chief Educational Officer,  
Namakkal District,  
Namakkal.

5.The Chief Educational Officer,  
Dindigul District,  
Dindigul.

6.The Chief Educational Officer,  
Sivagangai District,  
Sivaganagai.

+2cc to Mr.G.Sankaran, Advocate SR.No.30064

+1cc to Government Pleader SR.No.30581

W.P.Nos.28235 of 2017 & 2024 of 2019  
and  
W.M.P.Nos.30356 of 2017 & 2281 of 2019

GPL (CO)  
GMY (15/07/2021)