



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.12.2021
CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.567 of 2020

and W.M.P. (MD)Nos.426, 428 and 2654 of 2020

WEB COPY

Rajavel

... Petitioner

versus

1. The Chief Educational Officer,
Theni District,
Theni.
2. The District Educational Officer,
Theni District.
3. The Block Educational Officer,
Theni Union,
Theni District.
4. N.Tamilarasi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the proceedings of the first respondent made in R.C.No.6238/C3/2018 dated 04.12.2019 and quash the same and consequently, direct the respondents 1 to 3 to place the petitioner above the fourth respondent in the attendance seniority.

For Petitioner: Mr.R.Murali

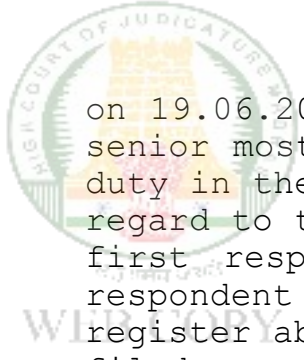
For R1 to R3 : Mr.S.Shaji Bino,
Special Government Pleader

For R4 : Mr.S.A.Ajmalkhan

ORDER

This writ petition is filed against the proceedings dated 04.12.2019, in and by which, the first respondent fixed the attendance seniority of the petitioner below the fourth respondent.

2. The case of the petitioner is that he joined as a Secondary Grade Teacher in the year 1987 and he was promoted as Primary School Headmaster in the year 2008. Thereafter, he was promoted as B.T.Assistant (Tamil Pandit) on 21.09.2012 and joined at Middle School, Balakrishnapuram, Theni. Then, he was transferred to Upparpatti Panchayat Union Middle School and joined in the forenoon on 19.06.2014. The fourth respondent is also a B.T.Assistant and transferred to Upparpatti Panchayat Union Middle School and joined



on 19.06.2014 in the afternoon. According to the petitioner, he is senior most to the fourth respondent in respect of age, joining the duty in the service, grade pay, seniority to the next level and with regard to the joining in the present school also. Despite that, the first respondent, by order dated 12.03.2019, treated the fourth respondent as senior and fixed his seniority in the attendance register above the petitioner. Challenging the same, the petitioner filed a writ petition in W.P.(MD)No.6457 of 2019 before this Court. This Court, vide order dated 30.07.2019, quashed the impugned order dated 12.03.2019 and remitted the matter to the first respondent to consider the case of the petitioner afresh and pass final orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of the order, after providing an opportunity to the parties concerned. Accordingly, the present impugned proceedings dated 04.12.2019 came to be passed. However, in the present impugned proceedings dated 04.12.2019, the first respondent arrived at a conclusion that the fourth respondent is senior to the petitioner and fixed the petitioner's seniority below the fourth respondent.

3. The learned counsel for the petitioner submits that the petitioner's date of birth is 20.05.1968 and the fourth respondent's date of birth is 25.03.1971. As per the date of birth, the petitioner is senior to the fourth respondent. The petitioner joined the service in the year 1987, whereas the fourth respondent joined only in the year 1995. The petitioner is also getting grade pay more than the fourth respondent. Apart from that, on transfer, the petitioner joined duty as B.T.(Tamil) in Panchayat Union Middle School, Upparpatti on 19.06.2014 at 11.00 a.m., whereas the fourth respondent joined duty as B.T. Teacher in the same school on the same day at about 12.15 p.m. Therefore, the petitioner is senior most to the fourth respondent and he ought to have been placed above the fourth respondent. However, the first respondent has erroneously fixed the petitioner's seniority below the fourth respondent.

4. The learned Special Government Pleader appearing for respondents 1 to 3 submits that the seniority list has been prepared, based on G.O.Ms.No.751 dated 18.10.1996, wherein, certain guidelines have been framed by the Government of Tamil Nadu in fixing the seniority of school teachers in the attendance register. The petitioner was promoted as B.T.Assistant only on 21.09.2012, whereas, the fourth respondent was promoted as B.T.Assistant on 26.12.2011. Therefore, the fourth respondent has been fixed as senior above the petitioner.

5. This Court paid its anxious consideration to the rival submissions made herein.



6. The Government of Tamil Nadu, in G.O.Ms.No.751 dated 18.10.1996, framed certain guidelines on fixing the seniority of school teachers. It has been stated in the Government Order that the names of the teachers serving in the school would be placed according to the date of joining in the respective cadre, such as, Headmaster, PG Assistant and BT Assistant and Secondary Grade Assistant.

7. Admittedly, the petitioner was promoted as B.T.Assistant only on 21.09.2012, whereas, the fourth respondent was promoted as B.T.Assistant on 26.12.2011. Therefore, this Court finds no error in the order impugned in this writ petition. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to challenge G.O.Ms.No.751 dated 18.10.1996, based on which, seniority was fixed, depending upon the date of assumption of charge as B.T.Assistant, though he joined in the duty prior to the fourth respondent.

8. It is made clear that the seniority is only with regard to attendance register that too as per the guidelines issued in G.O.Ms.No.751 dated 18.10.1996 and it will not, in any way, affect the seniority in the next level of promotion. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Chief Educational Officer,
Theni District, Theni.

2. The District Educational Officer, Theni District.

3. The Block Educational Officer,
Theni Union, Theni District.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-36817[F] dated 01/12/2021)

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-37019[F] dated 02/12/2021)

+1 CC to M/s.SPL GP (SR-37031[F] dated 02/12/2021)

W.P(MD)No.567 of 2020

01.12.2021

TP(CO)

TR(08.02.2022) 3P 7C

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