



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.8810 and 8811 of 2012

and

M.P.(MD).Nos.2 and 2 of 2012

N.Sumahasan ... Petitioner in W.P.(MD).No.8810 of 2012
R.S.Sandhya ... Petitioner in W.P.(MD).No.8811 of 2012

Vs.

1.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
7th Floor, E.V.K.Sampath Building,
College Road,
Chennai 600 006.

2.The Director,
The Directorate of Elementary Education,
E.V.K.Sampath Building,
College Road,
Chennai 600 006.

3.The District Elementary Educational Officer,
Nagercoil,
Kanyakumari District.

4.The Assistant Elementary Educational Officer,
Kuzhithurai Educational District,
Kuzhithurai,
Kanyakumari District.

... Respondents in both W.Ps.

Prayer in W.P.(MD).No.8810 of 2012: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Seniority List prepared by the third respondent dated 24.04.2012 for the Secondary Grade Teachers eligible for promotion to the post of Primary School Headmasters as on 01.01.2012 and the Letter of Clarification issued by the third respondent in Na.Ka.No.441/A3/012 dated 24.04.2012 in S.No.10 is concerned and quash the same and consequently direct the Respondents to include the name of the petitioner in the appropriate seniority list.

Prayer in W.P.(MD).No.8811 of 2012: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of



Certiorarified Mandamus, calling for the records pertaining to the Seniority List prepared by the third respondent dated 24.04.2012 for the Secondary Grade Teachers eligible for promotion to the post of Primary School Headmasters as on 01.01.2012 and the Letter of Clarification issued by the third respondent in Na.Ka.No.441/A3/012 dated 24.04.2012 in S.No.11 is concerned and quash the same and consequently direct the respondents to include the name of the petitioner in the appropriate seniority list.

In both Petitions:

For Petitioners	: Mr.C.K.M.Appaji
For R1	: Mr.V.R.Shanmuganathan
	Standing counsel
For R2 to R4	: Mrs.S.Srimathy
	Special Government Pleader

C O M M O N O R D E R

Since the issue involved in these writ petitions is one and the same, both the writ petitions are taken up together and disposed of by this common order.

2. The case of the petitioners is that the petitioners have completed Diploma in Teacher's Education in Malayalam in the year 1992 and 1993 respectively. Thereafter, in the year 1995, they were selected as Secondary Grade Teacher (Malayalam). Subsequently, they were appointed as Malayalam Teacher at the Panchayat Union Primary School, Soolaiyar Village, Valparai Panchayat Union, Coimbatore District on 25.07.1995. On their own request, the petitioners were transferred from Coimbatore District to Kanyakumari District, on 24.07.1996. Again, on 02.07.2000, the petitioners were transferred to Government P.U.Primary School, Maruthancode, Kuzhithurai Educational District. While so, the first respondent, vide his proceedings dated 11.06.2007, clarified that if the teachers recruited through the Teachers Recruitment Board in the year 1995 opted for transfer to their native District, their seniority will be fixed as junior most among the probationers / approved probationers, in the District wise seniority. The petitioners were transferred to Kanyakumari District on 24.07.1996 and their seniority should have been fixed as junior most teachers in the seniority list maintained for the secondary grade teachers. While so, on 22.04.2011, the third respondent prepared the seniority list of the Secondary Grade Teacher. In the said list, the petitioners' names were not found and hence, the petitioners have made a representation to the third respondent, on 24.02.2012, to include their name in the seniority list. However, till date no order was passed. In the mean while, on 04.06.2012, the second respondent issued a counselling programme list for teachers transfer and promotion and it was decided to hold counselling for the promotion for Primary School



Headmasters on 29.06.2012. Challenging the same, the present writ petitions have been filed.

3. The learned Special Government Pleader appearing for the respondents 2 to 4 would submit that during the pendency of these writ petitions, the petitioners' names were included in the seniority list and they were given promotion as Headmasters in the year 2014. Hence, nothing survives in these writ petitions for adjudication.

4. The learned counsel appearing for the petitioners would submit that this Court may grant liberty to the petitioners to file a fresh writ petition, if the petitioners' promotion is overlooked by promoting the juniors.

5. In view of the above, nothing survives in these writ petitions for adjudication. Accordingly, these Writ Petitions are dismissed. However, liberty is granted to the petitioners to work out the remedy, in the manner known to law, if any juniors to the petitioners were promoted. No costs. Consequently, the connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Akv

To

1.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
7th Floor, E.V.K.Sampath Building,
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Kanyakumari District.

+1 CC to SPL GP (SR-10122[F] dated 10/03/2021)

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