



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. NO.20690 OF 2009

AND

M.P.NO.1 OF 2009

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1. S. Arangasamy
2. J.Murali
3. L. Kalaiselvi
4. R.Paranjothi
5. P.Amudha
6. M.Muthaiah
7. R.Selvambal
8. P. Mahamuni
9. S. Saminathan
- 10.T.Umadevi
- 11.P. Vasuki
- 12.C. Padmavathy
- 13.U. Pandian
- 14.V. Chinnaiah
- 15.P. Vasugi

Vs.

1. The Government of Tamilnadu,
represented by The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009
2. The Director of Primary School of Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus directing the respondents to upgrade the post of Secondary Grade Teacher held by the petitioners as B.T.Assistant from the date of appointment as Secondary Grade Teacher and fit them in the appropriate seniority of B.T. Assistants by fixing them over and above the Junior Grade B.T. Assistants who were appointed originally on consolidated pay and grant all other consequential service and monetary benefits to the petitioners



and pass orders.

For Petitioner : Nithyanandan for Mr.Silambanan Associates

For Respondents : Mr.P. Anand Kumar
Government Advocate

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ORDER

This writ petition is filed directing the respondent to upgrade the post of Secondary Grade Teacher held by the petitioners as B.T. Assistant from the date of appointment as Secondary Grade Teacher and fit them in the appropriate seniority of B.T. Assistants by fixing them above the Junior Grade B.T. Assistants who were appointed originally on consolidated pay and grant all other consequential service and monetary benefits to the petitioners.

2.Though this writ petition was originally filed by 15 persons, during the pendency of the writ petition some of them had retired while few others had passed away, leaving behind only the 5th, 8th and 12th petitioners to contest.

3.The petitioners belong to Schedule Caste community, the petitioners were Bachelor/Master Degree with B.E.D or M.E.D holders and thus possessed the necessary qualification to be appointed as B.T. Assistant. The Government passed G.O.Ms.No.113, School Education dated 14.03.1997 and G.O.Ms.No.423 School Education dated 03.10.1997 by which all the backlog vacancies in the State of Tamil Nadu for the post of "Secondary Grade Teachers" were to be filled up from among persons qualified for the higher post of B.T.Assistants. The petitioners came to be appointed pursuant to the above G.O during the year between 1997-1999 in regular time scale of pay with a condition that they will not claim increment/benefit of higher qualification. While so, the Government appointed 27,000 persons to the post of B.T. Assistants by direct recruitment through Teacher Recruitment Board (TRB) on consolidated pay in the year 2003 imposing a number of conditions instead of promoting the petitioner and about 4000 similarly placed teachers who were working as Secondary Grade Teachers who were also eligible to be considered for the post of B.T.Assistants.

4.The Government after appointing 27,000 persons to the post of B.T. Assistants by direct recruitment through Teacher Recruitment Board (TRB) on consolidated pay in the year 2003 imposing conditions. Thereafter the said conditions were withdrawn on 01.06.2006. Those 27000 persons were



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regularized and brought into the regular time scale of pay. On the other hand the petitioner though was appointed as early as on 1997 in view of the condition imposed at the time of employment viz., they will not claim benefit/increment of higher qualification, has not been extended the benefit of promotion to the post of B.T. Assistants in the year 2003.

5. In the year 2003, the Government of Tamil Nadu announced that post of Middle Grade Graduate teachers will be created and the petitioners and others similarly appointed to fill in the backlog vacancy of secondary grade teachers will be posted. However, the same was not implemented.

6. The learned counsel for the petitioner submits that having worked as Secondary grade teacher and satisfying the necessary qualification to be appointed as B.T. Assistants, the State as a model employer ought to have acted fairly and must have been considered the petitioner for promotion as B.T. Assistant, instead the Government had appointed B.T. Assistants through Teachers Recruitment Board as a result the petitioner and similarly appointed teachers have got stagnated in the post of Secondary Grade Teacher. It is thus submitted by the learned counsel for the petitioner that the petitioner must be promoted to the post of B.T. Assistants.

7. Mr. P. Anand Kumar, the learned counsel for the respondents submits that the persons who were originally appointed as Secondary Grade Teachers in backlog vacancy have since been promoted to the post of B.T. Assistants periodically. It was further submitted that the petitioners request for promotion would also be considered, as and when vacancies arises and turn of the petitioners comes. He further submits that the petitioners were entitled and would be granted increments in terms of G.O.No.83 dated 28.04.2017.

8. In view of the above submissions, this Court is of the view that the respondents would consider the petitioners request for promotion to the post of B.T. Assistants and shall be promoted notionally from the date on which they are entitled to promotion in case the petitioners turn for appointment as B.T. Assistant has come already and vacancy was/is available.

9. In case the petitioner turn has not come yet or there is no vacancy the petitioners request for being promoted to the post of B.T. Assistants would be considered as and when such vacancy arises. Secondly the request for increments in term of G.O.M.No.83 dated 28.04.2017 shall be considered and the same shall be extended in terms thereof.



10. With the above direction this writ petition stands disposed of. No order as to costs. Consequently connected miscellaneous petitions are closed.

smn

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Sd/-
Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Primary School of Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to M/s.kaavya silambanan Associates, Advocate, S.R.No.26055
+1cc to the Special Government Pleader, S.R.No.25495

W.P. No.20690 of 2009
and
M.P.No.1(2) of 2009

SKM(CO)
AJ(06/06/2022)