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W.P.No.5252 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5252 of 2018

P.Ramakrishnan

...Petitioner

Vs.

1.State of Tamilnadu, rep.by its
Secretary to Government,
School Education Department,
Secretariat, Chennai -600 009.

2.The Director of School Education,
Chennai – 600 006.

3.The Joint Director of School Education,
(Personnel), Chennai – 600 006.

4.The Chief Educational Officer,
Dharmapuri.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to implement the proceedings of the 4th respondent in Na.Ka.No.2587/A3/2017 dated 21.10.2017 and promote the petitioner to the post of Headmaster of High School.



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For Petitioner : Mr.V.Elangovan
For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 3 to implement the proceedings of the 4th respondent in Na.Ka.No.2587/A3/2017 dated 21.10.2017 and promote the petitioner to the post of Headmaster of High School.

2. The petitioner was appointed as B.T. Assistant (Maths) and his grievance was that he was not promoted to the post of Headmaster.

3. In this regard, the learned counsel for the petitioner relied on the proceedings of the Chief Educational officer, Dharmapuri in letter dated 21.10.2017.

4. Perusal of the letter reveals that it is an inter-departmental communication between the Chief Educational Officer and the Director of School Education and a copy was marked to the writ petitioner. Such an inter-departmental communication cannot be construed as a final order or



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decision taken by the competent authorities. Inter-departmental communications between the authorities cannot be a ground to seek implementation of the said communication by the petitioner by filing a writ petition.

5. However, the learned Government Advocate appearing on behalf of the respondents, relying on the counter affidavit, has stated that the petitioner has already been promoted to the post of P.G. Assistant in Mathematics subject, which carry identical scale of pay of the High School Headmaster. Thus, the petitioner is working in the cadre of Headmaster.

6. That apart, the petitioner himself had exercised the option for promotion to the post of P.G. Assistant, which was considered by the Department and he was promoted to the post of P.G. Assistant and receiving the scale of pay, which is identical to that of the scale of pay applicable to the post of Headmaster.

7. Further, it is stated in the counter affidavit that the promotion to



the post of Headmaster has not been made on account of pending cases before the High Court. Whenever a decision is taken to fill up the post of Headmaster, the case of all the eligible persons including the petitioner will be considered. In this regard, it is relevant to extract Paragraph No.15 of the counter affidavit, which reads as under:

“15. With reference to Para 10, it is submitted that though the writ petitioner is eligible to get promotion to the post of High School Headmaster from B.T. Assistant, he has given his option to get promotion to the post of Post Graduate Assistant. Hence, he was promoted to the post of Post Graduate Assistant in Mathematics subject (Post Graduate Assistant post is having equivalent pay scale on par with the High School Headmaster) with effect from 01.06.2017 and therefore, there is no any loss to the writ petitioner in respect of monetary benefit. It is also submitted that promotion to the post of High School Headmaster has not been given for past two years i.e from the academic year 2015-16 and 2016-17 by the Director of School Education, Chennai as there are several cases pending in the Hon'ble High Court of Madras and Hon'ble High Court of Madras Madurai Bench. If the writ petitioner is willing to get promotion to the post of High School Headmaster on the basis of seniority in B.T. Assistant post, his request will be



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considered while giving promotions to the post of High School Headmaster from B.T. Assistant post, after getting final orders from the Hon'ble High Court of Madras in the above cases.”

8. In view of the facts and circumstances, the relief as such sought for in the present writ petition deserves no further consideration and further, the petitioner was already promoted to the post of P.G. Assistant, which is an equivalent cadre to that of the post of Headmaster.

9. Accordingly, the writ petition stands dismissed. No costs.

14.10.2022

Index : Yes
Speaking order: Yes
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To

1.The Secretary to Government,
State of Tamilnadu,
School Education Department,
Secretariat, Chennai -600 009.

2.The Director of School Education,



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Chennai – 600 006.

3. The Joint Director of School Education,
(Personnel), Chennai – 600 006.

4. The Chief Educational Officer,
Dharmapuri.



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S.M.SUBRAMANIAM, J.

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