



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.11364 of 2021,
and WMP.No.12022 of 2021

1.K.C.Janani
2.S.Deepa
3.R.Padmavathy

..Petitioners

vs.

1. State of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Education Department, Fort St.George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, Chennai-600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, Chennai-600 006.
4. The Joint Director (Personnel),
DPI Campus, Chennai-600 006.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to promote the petitioners to the post of Assistant by including them in the panel for the post of Assistants for the year 2016-17 by taking into account the fact that their juniors were included in the said panel and consequently direct the respondents to appoint the petitioners to the post of PG Assistants (Physics), P.G. Assistants (Commerce) and P.G. Assistants (Botany) in the 2% vacancies set apart for the Non Teaching Staff of the Education Department within a time frame fixed by this Court.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader



O R D E R

The prayer in the Writ Petition is for a Mandamus directing the respondents to promote the petitioners to the post of Assistant by including them in the panel for the post of Assistants for the year 2016-17 by taking into account the fact that their juniors were included in the said panel and consequently direct the respondents to appoint the petitioners to the post of PG Assistants (Physics), P.G. Assistants (Commerce) and P.G. Assistants (Botany) in the 2% vacancies set apart for the Non Teaching Staff of the Education Department within a time frame fixed by this Court

2. The petitioners joined the service as Junior Assistant on 04.02.2013 and they were placed at Sl.Nos.128, 25 and 82 respectively. The next avenue for promotion from the post of Junior Assistant is to that of Assistant and the petitioners have cleared Departmental Exams in the year 2014 and as per the existing Service Rules, the other mandatory qualification is Bhavani Sagar Training, before which probation is not declared. The petitioners completed their Bhavani Sagar Training on 28.01.2017. According to the petitioners, several juniors, who joined duty subsequently to the petitioners during April 2013, were sent for training much earlier than the petitioners and they were granted promotion as Assistant, vide proceedings of the third respondent dated January 2017 on account of the fact that they had completed their Bhavani Sagar Training much earlier than the petitioners as on 15.03.2016. It is the grievance of the petitioners that they have not been sent to Bhavani Sagar Training and as a result of which, their probation was not declared and they could not seek any relief for inclusion in the promotion panel at the relevant point of time.

3. Subsequently, the Government has passed G.O.Ms.Nos.521 & 611, School Education dated 01.09.2017 and 16.10.2017 declaring the probation of the petitioners with retrospective effect from 03.02.2015. Thus the grievance of the petitioners were redressed only during October, 2017 and in the meanwhile, several juniors to the petitioners, who had completed Bhavani Sagar Training earlier and got their probation declared prior to 15.03.2016, had all been included and promoted to the post of Assistant in the panel for the year 2016-2017.

4. The learned counsel for the petitioners submits that there is no delay on the petitioners to undergo Bhavani Sagar Training Programme and the delay is only on the part of the respondents in deputing the petitioners to undergo Bhavani Sagar Training and since the petitioner's probation were declared vide G.O.Ms.No.521 and 611, School Education Department dated 03.02.2015, they are entitled for notional promotion on par with their juniors. The learned counsel for the petitioners undertakes that the writ petitioners are seeking only notional promotion and they are not seeking any



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9. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
DPI Campus, Chennai-600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, Chennai-600 006.
4. The Joint Director (Personnel),
DPI Campus, Chennai-600 006.

+1cc to Government Pleader SR. No. 34267

+1cc to M/s.Dakshayani Reddy, Advocate SR. No. 34104

W.P.No.11364 of 2021

PL (CO)

PR (20/06/2022)