



WEB COPY

W.P.No. 29063 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 29063 of 2016

G. Valarmathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

.....Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.040397/W2/E2/2016 dated 21.07.2016 and to quash the same.

For Petitioner : Mr. G. Sankaran

For Respondents : Mrs. S. Mythreyechandru
Special Government Pleader
for R1 to R3



ORDER

The circular issued by the Director of School Education communicating the amendment issued in Rule 9 of the Tamil Nadu State and Subordinate Services Rules, is under challenge in the present writ petition.

2. The petitioner was initially appointed as BT Assistant in the School Education Department. His services were regularised.. The petitioner claims that he is eligible for promotion to the post of PG Assistant under the Tamil Nadu Higher Secondary Educational Service. With reference to promotion, the petitioner challenged the circular, which is nothing but a communication of the amended Rule 9, to all the subordinate officials, for the purpose of implementing the Rule. So long as the Rule has not challenged, consequential circular cannot be challenged by an employee and therefore, the relief as such sought for deserves no further consideration. If at all any order based on the Rule has been issued by the competent authorities and if the petitioner is aggrieved, then he is at liberty to challenge the same in the manner known to law. Mere circular issued by the Director communicating the amended rule to the subordinate authorities cannot be interfered with in a writ proceedings. Even if the circular is quashed, Rule will remain as it is and no purpose would be served. Consequently, the writ petition stands



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dismissed. No costs.

07.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

S.M.SUBRAMANIAM, J.

mrn



To

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School Education Department,
The State of Tamil Nadu
Secretariat, Fort St. George,
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