



WEB COPY

W.P.No.33735 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33735 of 2016
and
W.M.P.No.29110 of 2016

T.Palanivel

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

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

3.The Chief Educational Officer,
Tiruppur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the order in Pro.Na.Ka.No.83949/C2/ E2/2015 dated 12.01.2016 to quash the same and to issue consequential direction to the respondents to upgrade the post of secondary grade Assistant to that of B.T.Assistant from the date of initial appointment of the petitioner (08.08.1997) as SG Teacher with all consequential benefits.



For Petitioner

: Mr.G.Punniakotti

For Respondents

: Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to call for the records of the 2nd respondent relating to the order dated 12.01.2016 to quash the same and to issue consequential direction to the respondents to upgrade the post of secondary grade Assistant to that of B.T.Assistant from the date of initial appointment of the petitioner (08.08.1997) as SG Teacher with all consequential benefits.

2. The petitioner was appointed as Secondary Grade Teacher on 05.08.1997. The appointment of the petitioner was made as per the G.O.Ms.No.113, School Education (S1) Department dated 14.03.1997, after undergoing training in the District Institute of Educational Training on 'Child Psychology' for one month.

3. The grievance of the writ petitioner is that he is eligible to hold the post of BT Assistant as he possesses the B.Ed qualification. Thus, the



petitioner claimed that the post of Secondary Grade Teacher is to be upgraded as BT Assistant from the date of his initial appointment.

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4. The petitioner himself admitted that at the time of his appointment as Secondary Grade Teacher on 05.08.1997, certain conditions were imposed, which was agreed by the petitioner. Those conditions are under:

(1) The graduate teachers belonging to SC / ST community appointed as Secondary Grade Teacher is admissible to get the scale of pay of Secondary Grade post only, no other concession will be given.

(2) The Scheme of Incentive increment for for acquiring Higher qualification will not be applicable to them.

(3) These Teachers cannot later on claim for promotion as Graduate Teachers on Special Recruitment.

5. The learned Special Government Pleader appearing on behalf of the respondents relying on the counter affidavit made a submission that conditions imposed at the time of appointment was agreed by the petitioner



and subject to the condition, he was permitted to join duty as Secondary Grade Teacher. The above conditions were registered in the Service Record of the writ petitioner.

7. Thus, the petitioner was appointed as Secondary Grade Teacher on condition that he will not claim any upgradation or promotion to the post of BT Assistant in future. However, the case of the writ petitioner was subsequently considered by the respondents and he was promoted as BT Assistant in the School Education Department at the time of unit transfer from the Elementary Education to School Education Department.

8. Therefore, this Court is of the considered opinion that the rejection of the claim of the writ petitioner for upgradation of the post of Secondary Grade Teacher to BT Assistant is in consonance with the terms and conditions of the appointment of the writ petitioner as Secondary Grade and there is no infirmity as such. However, the petitioner was subsequently promoted to the post of BT Assistant and therefore, no further consideration is required.



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

Consequently, connected Miscellaneous Petition is closed.

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Speaking order

To

- 1.The Secretary to Government,
The Government of Tamil Nadu,
School Education Department,
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- 2.The Director of School Education,
Chennai – 600 006.
- 3.The Chief Educational Officer,
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S.M.SUBRAMANIAM, J.

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