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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.14496 of 2022
and
W.M.P.No.13704 of 2022

1.G.Jayachandran

2.B.Leelavathy

3.S.Padmaja

... Petitioners

Vs.

1.The Commissioner,
School Education Department,
DPI Campus, Chennai 600 006.

2.The Joint Director (Higher Secondary),
School Education Department,
DPI Campus, Chennai 600 006.

3.The Chief Educational Officer,
Thiruvallur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents herein to include the names of the Petitioners in the panel for promotion to the post of Higher Secondary Headmaster as on 01.01.2022 and consequently promote the Petitioners to the post of Higher Secondary Headmaster by taking into consideration the petitioners are fully qualified to hold the post of Higher Secondary Headmaster as on 01.01.2022 as per FR 26 (a) as confirmed by this Court in W.A.No.803 of 2013 dated 27.02.2015 and W.P.No.19713 of 2015 dated 06.07.2015 and W.P.No.4083 of 2020 dated 22.09.2021 with all service and monetary benefits.

For Petitioners : Mrs.Dakshayani Reddy

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents herein to include the names of the petitioners in the panel for promotion to the post of Higher Secondary Headmaster as on 01.01.2022 and consequently, to promote the petitioners to the post of Higher



Secondary Headmaster by taking into consideration the petitioners are fully qualified to hold the post of Higher Secondary Headmaster as on 01.01.2022 as per FR 26 (a) as confirmed by this Court in W.A.No.803 of 2013 dated 27.02.2015 and W.P.No.19713 of 2015 dated 06.07.2015 and W.P.No.4083 of 2020 dated 22.09.2021 with all service and monetary benefits.

2. According to the petitioners, the 1st petitioner was appointed to the post of PG Assistant (Commerce) on 04.11.1999 and he joined the School on 12.11.1999. The 2nd petitioner was appointed as PG Assistant (Economics) and he joined the School on 11.11.1999. The 3rd petitioner was appointed as PG Assistant (Physics) on 16.11.1999 and he joined the School on 19.11.1999. According to them, they are all appointed through the Teachers Recruitment Board. According to them, the next avenue for promotion from the post of PG Assistant is to the post of Higher Secondary Headmaster. The petitioners were included in the panel for promotion to the post of Higher Secondary Headmaster during the year 2016-2017. The petitioners were entitled for inclusion in the panel for the year 2019-2020.

3. Further, according to the petitioner, the petitioners have also appeared for the Tamil Nadu School Education Department Administrative Test and passed in the said test. Hence, they are entitled for inclusion in the panel for promotion. Due to the Covid Pandemic situation, the department test was initially scheduled to be held in December 2021 for the year 2021 and the same was postponed. Thereafter, the said examination was held in February 2022 and the results were published in April 2022. However, the respondents have not included the name of the petitioners in the promotion panel wherein the respondents have fixed the crucial date as 01.01.2022. Therefore, the learned counsel appearing for the petitioners relying upon the decision of the Hon'ble Division Bench of this Court in W.A.No.803 of 2013, dated 27.02.2015 and submitted that the petitioners are entitled for inclusion in the promotion panel.

4. According to the petitioners, due to the Covid Pandemic situation, the department test could not be conducted within the scheduled time and therefore, it was postponed to February 2022. Therefore, there is no delay on the part of the petitioners. Hence, they seek for inclusion of their names in the promotion panel of the year 2022 and fix the crucial date as 01.01.2022.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the respondents have now likely to be drawn the supplementary panel for promotion to the post of Headmaster for Higher Secondary School. In such case, the petitioners' name also to be included in the said promotion panel, after exhausting the earlier promotion panel. In case, such supplementary promotion



panel has not been prepared due to any circumstances, the petitioners' name would be included in the next promotion panel, subject to the petitioners have complied all the eligibility criteria.

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6. Recording the above said submissions made by the learned Additional Government Pleader appearing for the respondents, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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To

- 1.The Commissioner,
School Education Department,
DPI Campus, Chennai 600 006.
- 2.The Joint Director (Higher Secondary),
School Education Department,
DPI Campus, Chennai 600 006.
- 3.The Chief Educational Officer,
Thiruvallur.

+1cc to Mrs.Dakshayani Reddy, Advocate, S.R.No. 40312
+1cc to the Government Pleader, S.R.No.40120

W.P.No.14496 of 2022

GSM(CO)
GN(04/07/2022)