



WEB COPY



W.P.No.30894 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30894 of 2022 &
W.M.P.No.30290 of 2022

1.A.Manivasagan
2.R.V.Ramanathan
3.R.Thilak

... Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Commissioner,
Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Joint Director of School Education (Personnel),
O/o. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 4.The Chief Educational Officer,
Vellore District,
Vellore.



W.P.No.30894 of 2022

WEB COPY

5.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

6.The Chief Educational Officer,
Mayiladuthurai District,
Mayiladuthurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pass orders on the representation submitted by the petitioners dated 13.06.2022 for restoration of the petitioners in the post of Deputy Inspector of Schools, inspite of orders passed in W.A. (MD) No.254 and 255 of 2022 dated 25.03.2022 on par with other similarly placed persons within a time frame to be fixed by this Court.

For Petitioners	...	Mr.G.Sankaran
For Respondents	...	Mr.C.Sathish, Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pass final orders on the petitioners' representations dated 13.06.2022 seeking to restore the petitioners to the post of Deputy Inspector of Schools, based on the orders passed by the



W.P.No.30894 of 2022

Division bench of this Court dated 25.03.2022 in W.A.(MD).Nos.254 & 255 of 2022 within a time frame to be fixed by this Court.

2. Mr.C.Sathish, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioners' grievance is that they have not been restored to the post of Deputy Inspector of Schools from the post of B.T.Assistant. According to them, similarly placed persons as that of the petitioners herein have already been restored to their original post namely Deputy Inspectors of Schools, pursuant to the orders passed by the Division Bench Judgement dated 25.03.2022 in W.A.(MD).Nos.254 & 255 of 2022, but these petitioners have been left out. According to them, the Deputy Inspector of Schools falls under class I employee and B.T.Assistant falls under class-II. The Division Bench in its order dated 25.03.2022 referred to supra has held that the post of Deputy Inspectors of Schools cannot be inter changed to the post of B.T.Assistant. Therefore, according to the petitioners, they have



W.P.No.30894 of 2022

been improperly transferred to the post of B.T.Assistant without authority under law. Therefore, they have a legal right to go back to their original post namely Deputy Inspectors of Schools. In such circumstances, they have given separate representations on 13.06.2022 to the respondents seeking to restore them to the post of Deputy Inspector of Schools from their present post namely B.T.Assistant. Since the representations have not been considered till date, they have filed this writ petition.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.C.Sathish, learned Government Advocate appearing for the respondents.

5. Learned Government Advocate appearing for the respondents would submit that the State aggrieved by the order dated 25.03.2022 passed by the Division Bench of this Court in W.A.(MD).Nos.254 & 255 of 2022, has filed SLP.NO.19250 of 2022 before the Hon'ble Supreme Court, wherein notice was issued to the respondents therein and a copy of the order passed in the aforesaid SLP dated 04.11.2022 has been submitted before this Court. As seen from the aforesaid order, no interim stay has been



W.P.No.30894 of 2022

granted with regard to the Division Bench order dated 25.03.2022 passed in

W.A.(MD).Nos.254 & 255 of 2022 and only notice has been issued.

6. Since the petitioners contend that similarly placed persons have already been posted as Deputy Inspectors of Schools, this Court is of the considered view that no prejudice would be caused to the respondents, if the petitioners' representations dated 13.06.2022 as stated supra is considered on merits and in accordance with law. However, any decision taken by the respondents will be subject to the outcome of the order of the Hon'ble Supreme Court in the SLP filed by the State Government aggrieved by order dated 25.03.2022 passed in W.A.(MD).Nos.254 & 255 of 2022

7. For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioners' representations dated 13.06.2022 seeking to restore them to the post of Deputy Inspectors of Schools based on the Division Bench Judgement of this Court dated 25.03.2022 passed in W.A.(MD).Nos.254 & 255 of 2022 and also taking note of the fact that similarly placed persons were restored to their original post of Deputy



W.P.No.30894 of 2022

Inspectors of Schools on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. However, final orders to be passed by the third respondent shall be subject to the outcome of the proceedings pending before the Hon'ble Supreme Court in SLP.No.19250 of 2022.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.11.2022

nl

Index: Yes/ No
Speaking Order/Non-speaking Order



W.P.No.30894 of 2022

To

WEB COPY

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director of School Education (Personnel),
O/o. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Vellore District,
Vellore.
5. The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
6. The Chief Educational Officer,
Mayiladuthurai District,
Mayiladuthurai.



WEB COPY



W.P.No.30894 of 2022

ABDUL QUDDHOSE, J.

nl

W.P.No.30894 of 2022

18.11.2022