



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 1345, 1346, 1347, 1348 & 1349 of 2017

and

**W.M.P.Nos. 1265 to 1267 of 2017, 1268 to 1270 of 2017, 1271 and 1273
of 2017, 1274 & 1276 of 2017, 1277 to 1279 of 2017**

W.P.No.1345 of 2017:

V. Karunakaran

..

Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai – 600 005.
3. A. Ulaganathan,
Headmaster,
GTR High School,
Su. Kilnachipattu,
Thiruvannmalai District.
4. P. Senthilnathan,
Headmaster,
Government ADW High School,
Athipallam,
Krishnagiri District



5. P. Senthilnathan,
Headmaster,
Government ADW High School,
Athipallam,
Krishnagiri District.

6. K.S. Palayadasan,
Headmaster,
Government ADW High School,
Melmanager,
Thiruvallur District.

7. K. Thangapandi
Headmaster,
Government ADW High School,
Munneerpallam,
Konamaduvu,
Salem District.

.. Respondents

Prayer in W.P.No.1345 of 2017: : Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.A1/2887/2016 dated 23.12.2016 and to quash the same and consequently directing the respondents 1 and 2 to include the name of the petitioner in the panel for promotion to the post of Higher Secondary School Headmaster for the year 2016-17 and consequently to promote the petitioner to the post of Higher Secondary School Headmaster on par with juniors with all consequential and other attendant benefits in the light of order of regularization from the date of initial appointment issued in G.O.Ms. No. 60 Adi Dravidar & Tribal Welfare Department dated 07.06.2010.



For Petitioner
(in all WPs)
For Respondents
(in all WPs)

: Mr. S. Nedunchezhiyan
: Mrs. C. Sangramithirai
Special Government Pleader
for R1 and R2
R3 to R5- Not ready in notice
R6- No appearance

COMMON ORDER

The letter issued by the second respondent directing the AdiDravidar Welfare dated 23.12.2016 is sought to be quashed in the present writ petitions.

2. The petitioners seek further direction to include their names in the panel for promotion to the post of Higher Secondary School Headmaster for the year 2016-2017 and promote them on par with the juniors with all monetary benefits.

2. The petitioners were appointed as teacher on contract basis considering their length of contract service. The Government issued orders in G.O.(4D) No. 7 dated 17.06.1991 to conduct a special test through Teachers Recruitment Board (TRB) for BT Assistant teacher appointed on contract basis and bring them into regular establishment. Pursuant to the policy decision taken by the Government, the Teachers Recruitment Board



conducted test for contract teachers appointed from 1986 to 1991. The petitioners were successful in the test and accordingly absorbed as regular teachers in the Department and services of the petitioners were regularised thereafter.

3. The grievance of the writ petitioners is that seniority is to be fixed based on the date of regularisation of their services. However, the Government clarified that Rules cannot be relaxed in favour of the these contract teachers, who were brought under the regular establishment. No doubt, their services were regularised but the regularisation was granted based on the special test conducted by the Teachers Recruitment board for permanent absorption of these contract teachers. The Teachers Recruitment board, based on the special test conducted, fixed the seniority as per the ranking. Thus the seniority list issued by the Teachers Recruitment Board, based on the special test conducted is to be followed for the purpose of granting further promotion to these contract teachers, who were permanently absorbed into the department. The benefit of regularisation was granted to these contract teachers by the Government in G.O.Ms. No. 60 Adi Dravida and Tribal Welfare dated 07.06.2010. The Government Order itself states that these contract teachers were granted regularisation



from the date of appointment without altering their seniority, which was granted by the Teachers Recruitment board. Thus the regularisation order itself states that the petitioners cannot seek revision of seniority consequent to the regularisation granted by them in G.O.Ms. No. 60 dated 07.06.2010.

4. The Government also issued further clarification in letter dated 20.10.2014 stating that the seniority of these teachers will be fixed, based on the merit seniority fixed by the Teachers Recruitment Board in the special test conducted for permanent absorption. The petitioners also accepted the said seniority and serving for the past many years and therefore their promotion sought to be considered in accordance with the seniority fixed by the Teachers Recruitment Board and by following the Rules in force. However, the revision of seniority as sought for, deserves no merit consideration. Consequently, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.09.2022

mrn
Index : Yes / No
Speaking order / Non-Speaking order
To
1. The Secretary to Government,



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W.P.Nos. 1345 of 2017 and



The State of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai – 600 005.



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W.P.Nos. 1345 of 2017 and



S.M.SUBRAMANIAM, J.

mrn

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