



W.P.Nos.9519 & 9723 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.9519 & 9723 of 2009

V.P.Nalathambi .. Petitioner in
WP No.9519/09

The Tamil Nadu Postgraduate
Teachers Association
No.4, Dr.Radhakrishnan Nagar
Abdulla Street
Choolaimedu
Chennai 600 094
rep. by its State Legal Secretary
S.Arunagiri.

.. Petitioner in
WP No.9723/09

Vs.

The State of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St. George, Chennai 600 009.

.. R1 in both W.Ps.

The Teachers Recruitment Board
Rep. by its Chairman
4th Floor, EVK Sampath Maligai
College Road, Chennai 600 006.



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The Director of Elementary Education
College Road, Chennai 600 006.

The District Elementary Educational Officer
Salem, Salem District.

The Assistant Elementary Educational Officer
Mecheri
Salem District.

.. R2 to R5 in
WP No.9519/09

The Director of School Education
College Road
Chennai 600 006.

The Joint Director of School Education
Higher Secondary
College Road
Chennai 600 006.

.. R2 and R3 in
WP No.9723/09

Prayer: Petitions filed under Article 226 of the Constitution of India seeking

(i) a writ of Declaration declaring the impugned provisions under the Special Rule of T.N. Elementary Education Subordinate Service Rules, 1988, more particularly Rule 9 thereof as unconstitutional, ultra vires, null and void in far as it state that each panchayat union shall be a unit or the purpose of appointment of teachers and Headmasters and further, direct the respondents herein to follow the state-wide Seniority List maintained by the Teachers Recruitment Board for the purpose of promoting BT Assistants as Headmasters (Middle School); and



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(ii) a writ of Declaration declaring that the Rule 7(a) Annex of Special Rules for Tamil Nadu Higher Secondary Educational Service, 1981, in so far as prescribing qualification and experience for the persons of the category of 10 in class II of Tamil Nadu Educational Subordinate Service (Headmasters of High Schools) those who have got experience for a period less than ten years of service as Headmaster of High School and also prescribing qualification and experience for the category of 1 in Class II of Tamil Nadu Higher Secondary Educational Service (P.G. Assistants) who have been directly appointed as P.G. Assistant who do not possess experience for a period not less than 10 years as B.T. Assistant for the promotion to the post of Headmaster of Higher Secondary School, is inconsistent, discriminatory and illegal.

For the Petitioner : No appearance
in both W.Ps.

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mr.K.Karthick Jeganath
Government Advocate

ORDER
(Made by the Hon'ble Chief Justice)

None appears for the petitioners.



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2. Learned Government Pleader that submits the Rules assailed in the present writ petitions has been subsequently amended.

3. On 14.06.2023, when the matters were called out, none appeared for the petitioners. The matters were adjourned today.

4. Today also, none appears for the petitioners.

5. In the light of the above, the writ petitions stand dismissed. There will be no order as to costs. Consequently, M.P.Nos.1 and 2 of 2009 are also dismissed.

(S.V.G., CJ.)

(P.D.A., J.)

21.06.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl



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To

1. The Secretary
Department of School Education
Fort St. George, Chennai 600 009.
2. The Chairman
Teachers Recruitment Board
4th Floor, EVK Sampath Maligai
College Road, Chennai 600 006.
3. The Director of Elementary Education
College Road, Chennai 600 006.
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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