



WEB COPY



W.P.No.20654 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20654 of 2012
and M.P.No.1 of 2012

G.Ramaswamy

... Petitioner

-Vs-

1. State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.
2. The Director of School Education,
College Road,
Chennai – 600 006.
3. The Joint Director of School Education, (Personnel),
Office of Director of School Education,
College Road,
Chennai – 600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the objections made by the petitioner against the integrated seniority list issued by the third Respondent dated 28.12.2010 issued in Na.Ka.No.11573/A3/E1/2007 and consequently, include the name of the



W.P.No.20654 of 2012

petitioner in the appropriate place in the above integrated seniority list and to grant consequential benefits of promotion, fixation of pay, payment of arrears of salary with interest and revision of pension from the date of retirement and other retirement benefits based on such revision of seniority with interest.

For Petitioner : No appearance

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the respondent to consider the objections raised by the petitioner against the integrated seniority list issued by the third respondent dated 28.12.2010 and include him in the appropriate place in the integrated seniority list.

2. There is no representation on behalf of the petitioner. Heard the learned counsel for the respondents and perused the materials available on record.

3. The petitioner had worked as Superintendent in the office of the Chief Educational Officer, Thiruvarur and retired on 31.08.1999. The



W.P.No.20654 of 2012

third respondent had published the seniority list on 06.08.2009.

Therefore, the petitioner submitted his objections. However, his objections was not considered and the third respondent had proceeded to release the revised seniority list on 28.12.2010.

4. A perusal of the counter filed by the respondents revealed that the ratio stipulated in G.O.Ms.No.1968/Education Department dated 02.11.1978 has been followed while preparing the integrated seniority list for the first level post Viz., Junior Assistant post. Once the persons belonging to both wings have been integrated in the lower post, there is no need to follow the same ratio in each and every promotional posts. The Junior Assistant is the lowest first level post and the posts of Assistants, Superintendents and PA to District Educational Officer/ District Elementary Educational Officer are promotional posts from the respective feeder category and posts. Therefore, there is no need to adopt the ratio in each of the posts of Assistants, Superintendents, PA to District Educational Officer/District Elementary Educational Officer. However, the ratio in the post of Assistant have also been fixed among those persons who were working as Assistant as on 31.03.1970. There is



W.P.No.20654 of 2012

WEB COPY

no ratio in the post of Superintendent as on 31.03.1970 as there were no person belonging to B wing working in the post of Superintendent as on that date. The seniority for the post of Superintendent has been fixed with reference to General rule 36 (b)(i) as per the seniority fixed in the feeder category of Assistant. Therefore, the objections raised by the petitioner was rejected.

5. Therefore, the prayer sought for in this writ petition cannot be granted and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

04.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn/nsl



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W.P.No.20654 of 2012

To

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W.P.No.20654 of 2012

G.K.ILANTHIRAIYAN, J.

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W.P.No.20654 of 2012

04.09.2023