



W.P.No.33108 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

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

W.P.No.33108 of 2012 and
MP.No.1 of 2012

S.Sarath Arulmaran

... Petitioner

Vs.

1.The State of Tamilnadu
Rep. By its Secretary,
(School Education Department)
Fort St.George,
Chennai 600 009

2.The Director,
Directorate Elementary Education,
College Road,
Chennai 600 006

3.State Project Director,
Sarva Siksha Abiyan,
Chennai 600 006

4.District Elementary Educational Officer,
Erode,
Erode District

5.Assistant Elementary Educational Officer,
Sathyamangalam,
Erode District,
Erode

6.Additional Assistant Elementary Educational
Officer, Sathyamangalam,
Erode District,
Erode

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the second respondent to fill the 12 posts created by virtue of GO.Ms.No.15 dated 23.01.2012 by Tamil B.T.Teachers within the Erode Sathyamangalam Union Middle Schools.

For Petitioner : Mr.S.Karthikeyan
for M/s.Royan Law Associates

For Respondents
For R1,2,4 to 6 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

This writ petition has been filed for direction to the second respondent to fill up the 12 posts created by virtue of GO.Ms.No.15 dated 23.01.2012 by Tamil B.T.Teachers within the Erode Sathyamangalam Union Middle Schools.

2. Heard, the learned counsel appearing on either side.

3. The petitioner is qualified as D.Ted and BA(Tamil). He had joined in the 4th respondent service through Employment Exchange as Secondary Grade Teacher on 04.12.2006 in Panchayat Union Primary



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School, Dasari Palayam, Erode. He was transferred by the fourth respondent and is working as Secondary Grade Teacher in Panchayat Union Middle School, Malliamman Durg Sathyamangalam from 02.08.2012. Due to creation of 12 new posts specifying the post as English by the GO.Ms.No.15 dated 23.01.2012 which affects Tamil BT Teachers promotion as the present seniority list the teachers who possess Tamil BT qualification will be denied the promotion to the post of Headmaster if the 12 newly created posts as per GO.Ms.No.15 dated 23.01.2012. Therefore, the petitioner submitted representation seeking relief to fill up the 12 posts by Tamil BT Teachers.

4. Though the petitioner is aggrieved by the above Government order, the petitioner failed to challenge the same. He submitted representation to fill up the 12 posts by Tamil BT Teachers. On perusal of the counter filed by the sixth respondent revealed that GO.Ms.No.15 School Education(C1) Department dated 23.01.2012 is clear about the scale of pay and method of recruitment of teachers. Now the petitioner seeks relief against a policy which has been taken by the Government.



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The promotion is awarded to a Government servant according to the requirement of service only when there is a requirement, it is needless to say that the promotions will be effected automatically, strictly in accordance with seniority, law and guidelines issued by the first respondent from time to time. Therefore, the Government cannot act on the basis of the requirement of the petitions. Hence, the request made by the petitioner cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

08.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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To

1. Secretary,
The State of Tamilnadu
(School Education Department)
Fort St. George,
Chennai 600 009
2. The Director,
Directorate Elementary Education,
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3. State Project Director,
Sarva Siksha Abiyan,
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Erode,
Erode District
5. Assistant Elementary Educational Officer,
Sathyamangalam,
Erode District,
Erode
6. Additional Assistant Elementary Educational
Officer, Sathyamangalam,
Erode District,
Erode
7. The Government Advocate,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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