



W.P.No.34175 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.34175 of 2012
and M.P.No.1 of 2012

S.Duraisamy

... Petitioner

-Vs-

1. Government of Tamilnadu,
Represented by Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.
2. The Director of School Education,
College Road,
Chennai – 600 006.
3. The Joint Director of School Education (Personnel),
Chennai 600 006.
4. The Chief Educational Officer,
Tiruvanamalai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent herein to include the petitioner's name at the appropriate place in the panel fit for promotion to the post of Head Master High School for the year 2012-2013 and thereby promote the petitioner as High School Head Master in Government



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High Schools for the academic year 2012-2013 with all consequential benefits.

For Petitioner : Mr.V.Thirupathi
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the second respondent to include the petitioner's name at the appropriate place in the panel fit for promotion to the post of Head Master High School for the year 2012-2013.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner was appointed as Tamil Pandit and posted to Government High School, Kurumbapatti, Karur District by an order dated 17.03.1998. Thereafter, he was declared to have completed the period of probation on 28.03.2000. Thereafter, he was transferred to the Government Higher Secondary School, Vadanatham, Tiruvanamalai District and posted as Tamil Pandit. While being so, the second respondent called for proposals from all Chief Educational Officers for preparation of panel as on 01.01.2012 for promotion to the post of Head Master of High School. Though the petitioner is



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fully qualified and eligible for such promotion, his name was not included in the said panel. Therefore, he submitted a representation to include his name in the promotion list and promote him to the post of Head Master High School.

4. A perusal of the counter filed by the second respondent revealed that the second respondent had called for proposals from all Chief Educational Officers by its proceedings dated 20.12.2011 for preparation of panel as on 01.01.2012 for the post of Head Master of High School. Accordingly, in respect of language teacher who had completed B.T/B.Ed, on or before 31.12.2001 is eligible to be included in the panel for promotion as Headmaster in Government High School.

5. Whereas, the petitioner had completed his B.Ed, only in the month of December 2008. Therefore, the petitioner's name was not included in the panel. Further, as per the orders issued in G.O.Ms.No.181, School Education (A2) Department dated 29.10.2001 amendments were issued to the special rules for the Tamil Nadu School Education Service and an explanation was added as Explanation II to Rule 2B. Accordingly, for the purpose of fixing the Inter-seniority among the categories eligible for appointment to the posts of Headmasters and Headmistress, the date of regular appointment in the cadre



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shall be taken into account. In the case of Deputy Inspector of Schools, School Assistants and Career Masters and the date of passing of B.T. or B.Ed., or the date of appointment after passing the B.T.(or) B.Ed., whichever is later shall be taken into account in respect of other categories. Therefore, the petitioner was not qualified for including in the panel as on 01.01.2012, since he had not completed his B.Ed in the month of December, 2001.

6. Therefore, the prayer sought for in this petition cannot be considered 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.

08.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

mn/nsi



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G.K.ILANTHIRAIYAN, J.

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