



W.P.No.7602 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Writ Petition No.7602 of 2012

S.Umarani

... Petitioner

Vs.

1. The Director of School Education,
Chennai-600 006.
2. The Joint Director of School Education
(Higher Secondary Education), Chennai-600 006.
- 3.The Chief Educational Officer,
Krishnagiri.
4. The Headmaster,
Government Girls's High School,
Soolagiri, Krishnagiri District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, to direct the respondents to assign due seniority to the petitioner in the post of Secondary Grade Teacher with reference to the date of her initial appointment as such by the Chief Educational Officer, Salem and on that basis give retrospective effect to her promotion as School Assistant (Tamil from 17.10.2003 the date on which her immediate junior was promoted and consider her for further promotion as Higher Secondary Teacher on that basis.



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For Petitioner : M/s.M.Ravi

For Respondents : M/s.C.Sangamithirai,
Special Government Pleader

ORDER

This Writ Petition is filed seeking Writ of Mandamus directing the respondents to assign seniority to the petitioner in the post of Secondary Grade Teacher with the reference to the date of her initial appointment by the Chief Educational Officer, Salem and on that basis to give retrospective effect to her promotion as School Assistant (Tamil) from 17.10.2023.

2. It is submitted by the learned counsel for the petitioner that the petitioner was initially appointed as a Secondary Grade Teacher through Employment Exchange and on 16.08.1988 she has reported to Chief Educational Officer, Salem. She was posted at Municipal Elementary School, Ammapet, Salem. Petitioner's service was regularised on 18.08.1988 and her probation was declared on successful completion of the period of probation on 17.08.1990. Thereafter, petitioner was transferred to Municipal High School, on 20.06.1990. Petitioner passed B.A(Tamil) degree through



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Annamalai University in 1990 and M.A (Tamil) in 1996 through Annamalai University and M.Ed., degree in May 1994 through Annamalai University.

Thereby, she qualified to become School Assistant in the year 1996 itself, however, she was given promotion only in the year 2007.

3. The Government has issued G.O.Ms.No.702, Educational Department dated 23.05.1986, stating that teaching and non-teaching staff of the educational institutions run by Municipal Corporations, Municipalities and Townships will become Government servants with effect from 01.06.1986. As per G.O.Ms.No.650, Educational Department, dated 08.06.1989, the Government has passed orders specifying the appointing authorities to various posts in the schools run by Municipal Corporations, Municipalities and Townships etc.

4. One Tmt.T.R.Gettha was appointed as Secondary Grade Teacher through Employment Exchange like the petitioner by the Chief Educational Officer, Salem vide Pro.Na.Ka.No.27088/C3/88 dated 09.01.1989 and she was junior to the petitioner, however, Tmt.T.R.Gettha got promotion on 17.10.2003 and posted as School Assistant (Tamil) vide proceedings No.Pro.Na.Ka.No.129436/C8/C34/2003 dated 17.10.2003 at



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Government High School, Kootathupatti, Salem District. But the petitioner was not considered for promotion. It is submitted that the petitioner was not considered for the promotion and incorrectly assumed that the petitioner was initially appointed as Secondary Grade Teacher by the Municipal Commissioner, Salem in the year 1988. It is submitted that on account of the lapses committed by the authorities concerned, the petitioner was put to hardships. The petitioner has submitted representation to the Directorate of School Education, dated 16.07.2010 to assign the seniority to the petitioner, but the same was not considered. Therefore, the petitioner has sought for suitable direction. It is submitted by the learned counsel for the petitioner that the representation of the petitioner 16.07.2010 given by the petitioner has not been attended and disposed of by the respondent.

5. Learned Special Government Pleader filed the counter and submitted that the petitioner was promoted as B.T. Assistant belatedly on account of her voluntary transfer from original unit where she was working to the new unit. If the petitioner had continued in Municipal Unit itself without seeking to transfer to the other unit, she would have been promoted as B.T. Assistant in time on par with her juniors. The reason for the belated promotion is vests with the petitioner and not with the School Education



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Department. Therefore, her request for retrospective promotion to the post of the B.T. Assistant in Tamil on par with her junior Tmt.T.R.Geetha cannot be complied with.

6. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the material placed on records.

7. On hearing both sides it is clear that on account of the transfer of petitioner from the unit where she was initially posted to the new unit, the petitioner has lost her seniority and has taken bottom in the seniority list in the new unit to which she was transferred. Therefore, she cannot compare and complain that her juniors in previous unit were promoted but she was denied.

8. Be that as it may, the respondent should have considered the representation of the petitioner dated 16.07.2010 and replied suitably explaining as to why she was not considered for the promotion. Learned Special Government Pleader appearing for the respondents has submitted that the respondents will consider and dispose of the representation given by



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the petitioner, within short time.

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Dr.D.NAGARJUN, J.

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9. In view of the above, this Writ Petition is disposed of by directing the respondents to dispose of the representation of the petitioner dated 16.07.2010, as quickly as possible, not later than four weeks from the date of receipt of copy of this order. No costs.

11.10.2023

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Index: Yes/No

Neutral Citation: Yes/No

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