



W.P.No.17418 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.17418 of 2023

M.Govindaraj

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by its
Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai.

3.The Joint Director of School Education,
College Road,
Chennai - 6.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give promotion to the petitioner notionally from the date of promotion given to his batch mate vide proceeding in Na.Ka.No.22674/A4/E3/2016 dated 03.02.2017 as assistant with all consequential benefits and in accordance with law within a time to be stipulated by this Honourable Court.



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For Petitioner : Mr. P.Ganesan
For Respondents : Mr. P.Baladhandayutham
Special Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Mandamus, to direct the respondents to give promotion to him notionally, from the date of promotion given to his batch mates vide proceedings in Na.Ka.No.22674/A4/E3/2016 dated 03.02.2017, as Assistant, together with all consequential benefits and in accordance with law and within a time frame stipulated by this Court.

2. The case projected by the writ petitioner is that he joined as Junior Assistant on 12.09.2003 at Saidapet Government Boys Model High School, Madras-15. The petitioner was selected in Group-IV Competitive Examination on 12.04.2012 and from then on, he has been working in the Directorate of School Education as a Junior Assistant on regular time scale of pay.

3. The petitioner completed District Office Manual (DOM) in December 2004 and during first two years of probation between April 2012 and April 2014, he also completed Accounts Examination for Subordinates Officers Part-I and School Sub Inspector Part-I, followed by School Sub Inspector Part-II. He



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also attended School Sub Inspector Part-III (Educational Statistics) Examination

five times during the period between December 2012 and December 2014

though unsuccessful.

4. However, the Government had issued G.O(1D).No.04, School Education (4(2)) Department dated 04.01.2018 exempting the candidates, who appeared five times in the examination and did not pass the examination and that they could be considered for promotion.

5. The learned counsel for the petitioner also pointed out that G.O(1D).No.04, School Education (4(2)) Department dated 04.01.2018, which relaxes the rules in respect of the candidates, who cross the age of 53 and who have been unsuccessful in the examinations for the concerned subject. Subsequently, it is also seen that vide G.O(Ms).No.15, Human Resources Management(B) Department dated 02.02.2022, TNPSC has deleted Tamil Nadu School Education Department Administrative Test Paper III - Educational Statistics. The said Government Order has been given retrospective effect from 2nd March 2017.

6. The petitioner made a representation on 28.10.2016 to consider his



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name for promotion on par with his juniors to the post of Assistant by giving relaxation to the relevant rules.

7. In such circumstances, the learned counsel for the petitioner would contend that the petitioner should be given the benefits of relaxation.

8. The learned Special Government Pleader for the respondents however submits that even though the petitioner states that representations have been given to the third respondent on 03.09.2021 and 29.10.2021, the representations said to have been given by the petitioner on 29.10.2021 is not available in the records of the third respondent.

9. Considering the facts and circumstances narrated herein above, it would be in the interests of the writ petitioner as well as the respondents, if the petitioner is directed to give a fresh representation to the third respondent, within a period of four weeks from the date of receipt of a copy of this order.

10. On receipt of the representation from the petitioner, the third respondent shall consider the representation in the light of G.O(1D).No.04,



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School Education (4(2)) Department dated 04.01.2018 and G.O(Ms).No.15,

Human Resources Management(B) Department dated 02.02.2022 and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

11. This Writ Petition is disposed of with the above directions. No costs.

13.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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P.B.BALAJI, J.

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To

1.The Secretary,



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Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai.

3.The Joint Director of School Education,
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