



CMP.No.24514 of 2023
in WA(MD).No.1468 of 2017

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R.SUBRAMANIAN, J.

and

K.GOVINDARAJAN THILAKAVADI, J.

(Order of the Court was made by R.SUBRAMANIAN, J)

The prayer in the application for clarification runs as follows:

"To clarify that the order dated 23.03.2023 in W.A.(MD) No.1468 of 2017 will be applied prospectively and will not affect the chances of the petitioners who were promoted prior to 23.03.2023 as PG Assistants coming under the Tamil Nadu Higher Secondary Educational Service from the post of BT Assistants coming under the Tamil Nadu School Educational Subordinate Service to get transferred as High School Headmasters coming under the Tamil Nadu School Educational Service as per past practice."

2. By our judgment dated 23.03.2023, we had held that the Post Graduate Teachers, who were recruited by transfer from the post of Graduate Teachers, are not entitled to lien over the post of Post Graduate Teachers so as to enable them to seek appointment as Headmasters of High School, thereby, quashing direction No.9, contained in the Government letter dated 22.12.2015, which enables these PG Teachers to occupy the post of High School Headmasters.



3. As could be seen from the prayer, the clarification is sought for to make the judgment prospective. We do not think we can do that. Once we find that on recruitment by transfer as Post Graduate Teachers, these Teachers, who were appointed as Post Graduate Teachers, lose their lien over the post of Graduate Teachers. They cannot claim that they would continue as Headmasters of High School. Therefore, the application for clarification which necessarily invite us to make our judgment prospective in nature are dismissed.

4. It is made clear that no recoveries shall be effected and the period of service rendered as High School Headmasters by Post Graduate Teachers will be treated as continuous of service in the High Secondary Service.

pvs

Note: I.T. on 07.11.2023

**[R.S.M., J] [K.G.T., J]
02.11.2023**



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