



W.P.No.19111 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19111 of 2020

1. M.Sharmila
2. S.Barathi
3. R.Suresh
4. D.Ramesh

...

Petitioners

/vs/

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Tiruvarur District, Tiruvarur.
4. The District Educational Officer,
Mannargudi Education District,
Mannargudi, Tiruvarur District.
5. The Block Educational Officer,
Kottur Union,
Mannargudi Taluk,
Tiruvarur District.

... Respondents



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For Petitioner ... Mr.S.Nedunchezhiyan

For Respondents ... Mr.T.Chezhiyan
Additional Govt. Pleader



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ORDER

The petitioners who are said to be working in the cadre of BT Assistant claims that he has got his next level promotion as Middle School Headmaster and submitted that his entitlement for promotion in the next level was not considered by the third respondent. Hence he has filed this petition to direct the respondents to consider the representation / objection submitted by the petitioners dated 22.02.2020 for preparation of panel for promotion to the post of Middle School Headmaster for the year 2020-2021 in Kottur Union, Mannargudi Education District, Tiruvarur District by reckoning the seniority in the feeder post of B.T.Assistant.

2. The learned Government Advocate submitted that as per G.O.Ms.No.166 School Education Department, dated 07.06.1999 the entitlement for seniority would be adopted on the basis of date of joining in the feeder post. It is further submitted that the Statutory rule does not provide to consider the name of the petitioners by ignoring the date of joining in service as primary school Headmaster and promotive BT



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Assistant.

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3. According to the respondents unless the rules are amended, the petitioners cannot be considered for including him in the panel for promotion to the post of Middle School headmaster. As per G.O.Ms.No.166 School Education Department, dated 07.06.1999, it is stated that *inter se* seniority list would be prepared by including the primary school Headmasters, Tamil Teachers, B.T.Assistants and further promotion can be given by taking into consideration of their date of joining in the feeder cadre.

4. However the respondents have not passed any order on the representation given by the petitioners. Only when order is passed, it would enable the petitioners to challenge the order, in case it does not go in their favour. Hence I feel that the third respondent should be directed to consider the representation of the petitioners and pass orders.

5. Accordingly, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioners dated 22.02.2020



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and pass orders on its own merits after considering the grounds on which the petitioners also claim promotion, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
bkn

To:

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
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R.N.MANJULA ,J.

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