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W.P.No.23026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23026 of 2023

and

W.M.P.No.22539 of 2023

- 1.T.Kumar
- 2.M.Rajendran
- 3.M.Velmurugan
- 4.M.Sachidhanandham

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
- 4.The Chief Educational Officer,
Ariyalur District,
Ariyalur.
- 5.The Chief Educational Officer,
Thanjavur District,
Thanjavur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to revise and finalize the seniority of the petitioners in the post of P.G. Assistant based on the marks secured in 2003 TRB Selection in accordance with orders of Hon'ble Apex Court in Contempt Petition (Civil) Diary No.6415 of 2021, dated 18.04.2023, without reference to allotment of petitioners to Corporation Schools as per roster seniority that was declared unconstitutional and to restore the seniority of the petitioners in School Education department with all consequential and other benefits, including promotion to the post of Higher Secondary School Headmaster, in consideration of representation, dated 29.07.2023, submitted by the petitioners, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Alagu Goutham
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to revise and finalize the seniority of the petitioners in the post of P.G. Assistant based on the marks secured in 2003 TRB Selection in accordance with orders of Hon'ble Apex Court in Contempt Petition (Civil)



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Diary No.6415 of 2021, dated 18.04.2023, without reference to allotment of petitioners to Corporation Schools as per roster seniority that was declared unconstitutional and to restore the seniority of the petitioners in School Education Department with all consequential and other benefits, including promotion to the post of Higher Secondary School Headmaster, in consideration of representation, dated 29.07.2023, submitted by the petitioners, within a time frame to be fixed by this Court.

2.It is the case of the petitioners that they were selected and appointed as P.G.Assistants in Coimbatore Corporation and Chennai Corporation, as applicable in each case, based on the selection conducted by the Teachers Recruitment Board (TRB) in the year 2003, and they were given appointment in 2004, following communal roster seniority. Subsequently, the petitioners were transferred to School Education Department between 2009 and 2013 and were placed at the bottom of the seniority on joining the School Education Department. It is the contention of the petitioners that, as per the notification of the year 2003, no vacancies have been notified for Corporation Schools and the method of selection will be based on the marks secured in the competitive examinations conducted by the TRB. The grievance of the petitioner is that, based on



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the communal roster seniority arrived by the TRB in the year 2003, a number of candidates who secured lesser marks than the petitioners have been allotted to School Education Department, whereas, the petitioners, who ranked below in the seniority list following communal roster, were initially allotted to Corporation Schools and thereafter, they were transferred to School Education Department only between the years 2009 and 2013 and were placed at the bottom of the seniority list as on the date of joining the School Education Department.

3.It is the contention of the petitioners that the issue relating to seniority following communal roster was earlier raised before this Court and this Court, in W.A.No.2705 of 2013, etc., has held that, seniority should be determined only with reference to the merit and rank assigned to the candidates by the Service Commission at the time of selection and the said order of this Court has been confirmed by the Hon'ble Supreme Court. Further, the Hon'ble Apex Court has given directions to complete the exercise of finalizing the seniority list of selection processes conducted after 10th March, 2003, as per the above principle. However, it is the grievance of the petitioners that, while implementing the above orders, the School Education Department has drawn a draft seniority list of the year



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2003 following the rank in TRB Selection, wherein, the petitioners have been completely ignored on the premise that they were originally allotted to Corporation Schools and subsequently, transferred to School Education Department only in the years 2009 to 2013. The petitioners contend that they are entitled for restoration of their original seniority in School Education Department based on the rank secured in the selection. The petitioners have also submitted their objections in this regard, dated 29.07.2023. Thereafter, the petitioners have filed the present writ petition for positive directions.

4.Mr.M.Alagu Goutham, learned Government Advocate, takes notice for the respondents.

5.Since the issue regarding seniority is now settled by this Court and confirmed by the Hon'ble Apex Court that seniority should be fixed only on the basis of the merit and rank assigned to the candidates at the time of selection process, the respondents are directed to first consider the objections submitted by the petitioner in this regard, dated 29.07.2023, and dispose of the same on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order,



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before taking any decision on the draft seniority list, and thereafter, finalise the draft seniority list drawn in the post of P.G.Assistant for the year 2003.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2023
(2/2)

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.

- 4.The Chief Educational Officer,

<https://www.mhc.tn.gov.in/judis>



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Ariyalur District,
Ariyalur.

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5.The Chief Educational Officer,
Thanjavur District,
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