



W.P.No.24131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.24131 of 2023

N.Balamurugan

... Petitioner

Vs

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

2. The Director of School Education,
College Road, Chennai – 600 006.

3. The Chief Educational Officer,
Cuddalore, Cuddalore District.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first and second Respondents to follow the rule 2 (b) (i) of Special Rules of Tamil Nadu Higher Secondary Educational Service Vacancies arising in Class I (higher Secondary School HM) of the Service shall be filled up so as to



W.P.No.24131 of 2023

ensure that the proportion of appointment in the service in the said class by recruitment by transfer (i.e High School Headmaster from Tamil Nadu School Educational Service) by promotion from categories of Class II and Class III (i.e taking together of PG Assistants Inspector of physical Education and Physical Directors) respectively be in the ratio of 2:7 and the cycle for such appointment and give all the consequential benefits.

For Petitioners : Mr.P.Ganesan

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader R1 to R3

ORDER

This Writ Petition has been filed to direct the first and second Respondents to follow the rule 2 (b) (i) of Special Rules of Tamil Nadu Higher Secondary Educational Service Vacancies arising in Class I (higher Secondary School HM) of the Service shall be filled up so as to ensure that the proportion of appointment in the service in the said class by recruitment by transfer (i.e High School Headmaster from Tamil Nadu School Educational Service) by promotion from categories of Class II and Class III (i.e taking together of PG Assistants Inspector of physical



W.P.No.24131 of 2023

Education and Physical Directors) respectively be in the ratio of 2:7 and the cycle for such appointment and give all the consequential benefits.

2. The grievance of the writ petitioner is that in general counselling Rule 2 [b] [i] of Special Rules of Tamil Nadu Higher Secondary Educational Service has not been followed. According to the writ petitioner, as per Rule 2 [b] [i] of Special Rules of Tamil Nadu Higher Secondary Educational Service, the ratio for High School Headmasters and Post Graduate Teachers in the promotion of Higher Secondary School Headmasters is 2:7 [2 High School Headmasters and 7 PG Assistants]. That means 22.22 percent for High School Headmasters and 77.78 percent for PG Assistants should be given in the promotion of Higher Secondary School Headmasters. The above said Rule has not been followed by the respondents even in the last year. Hence, the present Writ Petition.

3. It is relevant to extract Rule 2 [b] [i] of Special Rules of Tamil Nadu Higher Secondary Educational Service, which reads as follows :



W.P.No.24131 of 2023

WEB COPY

“2 [b] [i] Vacanceis arising in Class I of the service shall be filled up so as to ensure that the proportion of appointment in heservice in the said Class by recruitment by transfer and by promotion from categories of Class II and Class III taken together respectively be in the ratio of 2 : 7 and he cycle for such appointment shall be as follows :

By recruitment by transfer from Class V of the Tamil Nadu School Educational Service Headmaster/Headmistress of Government High School	- 01
By promotion from Class II and Class III	- 01
By promotion from Class II and Class III	- 01
By promotion from Class II and Class III	- 01
By recruitment by transfer from Class V of the Tamil Nadu School Educational Service Headmaster/Headmistress of Government High School	- 01
By promotion from Class II and Class III	- 01
By promotion from Class II and Class III	- 01
By promotion from Class II and Class III	- 01
By promotion from Class II and Class III	- 01”



W.P.No.24131 of 2023

WEB COPY

4. When the Rule specifically provides the manner in which promotion has to be effected, the same has to be strictly following by the respondents. Therefore, the respondents are directed to follow the Rules strictly in the next counselling.

5. With the above direction, this Writ Petition is disposed of. No costs.

17.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. Government of Tamil Nadu
Represented by its Principal Secretary,
School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
Cuddalore, Cuddalore District.



WEB COPY



W.P.No.24131 of 2023

N.SATHISH KUMAR, J.

VTC

WP.No.24131 of 2023

17.08.2023