



W.P.(MD).No.1370 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.1370 of 2021
and
W.M.P.(MD).No.1175 of 2021

M.V.Senthilkumar

.. Petitioner

Vs.

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

2.The Commissioner,
School Education Department,
E.V.K.Sampath Maligai,
D.P.I. Campus,
Chennai – 6.

3.The Director of School Education,
E.V.K.Sampath Maligai,
D.P.I. Campus,
Chennai – 6.



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4.The Joint Director (Personal),
School Education Department,
E.V.K.Sampath Maligai,
D.P.I. Campus,
Chennai – 6.

5.The Chief Educational Officer,
Karur,
Karur District.

6.The District Educational Officer,
Karur,
Karur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Declaration, declaring the Rule 2 of the Tamilnadu Elementary Educational Subordinate Service Rules in the tabular column, for the entries in column (3) against the entry 1 Block Educational Officer in Column (2) (i) direct recruitment through teachers recruitment board shall be deemed to have come into force on 08.02.2008 (ii) by promotion from category 2 of class I of the service shall be coming to force from the date of issuance of G.O.Ms.No.20 School Education (EE 1 (1)) Department dated 07.02.2019 as null and void and consequently direct the respondents herein to extend the retrospective benefits to the petitioner w.e.f. 19.01.2005.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The Writ Petition has been instituted to declare Rule 2 of the Tamil Nadu Elementary Educational Subordinate Service Rules in the tabular column, for the entries in column (3) against the entry 1 Block Educational Officer in Column (2) (i) direct recruitment through Teachers Recruitment Board shall be deemed to have come into force on 08.02.2008, (ii) by promotion from category 2 of class I of the service shall be coming to force from the date of issuance of G.O.Ms.No.20 School Education (EE 1 (1)) Department dated 07.02.2019 as null and void and consequently, direct the respondents herein to extend the retrospective benefits to the petitioner w.e.f. 19.01.2005.

2. The petitioner was appointed as Secondary Grade Teacher in Panchayat Union Primary School, K.C.Patty, Kodaikanal Union, Dindigul District on 02.01.1990 and promoted to the post of Headmaster in Panchayat Union Primary School, Chatrapatty, Kujiliamparai Union,

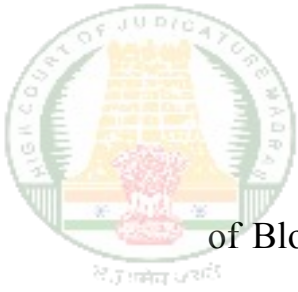


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Dindigul District. Thereafter, on 23.08.2003, he was promoted as Middle School Headmaster and finally, he was promoted to the post of High School Headmaster on 04.08.2018. The date of promotion of the writ petitioner to the post of High School Headmaster, i.e., 04.08.2018, is not in dispute.

3. The learned counsel for the petitioner mainly contended that the impugned amendment at Page 1 in G.O.(Ms)No.20, School Education (EE1(1)) Department, dated 07.02.2019, giving effect to the amendment from 8th February 2008 is unconstitutional.

4. In the context of retrospective effect given in the impugned amendment, the respondents filed a counter by stating that the petitioner was appointed as Block Educational Officer in the year 2005 and it will effect from that date. He has assumed that the post of Block Educational Officer is a feeder category to the post of District Educational Officer. Being a Block Educational Officer does not mean a direct upward mobility to the post of District Educational Officer. The Block Educational Officer will have to become High School Headmaster on promotion from the post



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of Block Educational Officer. However, in the present case, the petitioner has already been promoted to the post of High School Headmaster and therefore, he is eligible to the post of District Educational Officer in the order of seniority and subject to his eligibility.

5. In paragraph 8 of the counter, the respondents have stated that the petitioner has already been promoted as Headmaster of High School. Hence, his seniority in the post of Headmaster will be calculated from the date of taking charge as High School Headmaster. On the basis of seniority in the post of High School Headmaster alone, he will be elevated to the post of District Educational Officer.

6. As far as the impugned amendment is concerned, the respondents have stated that the said retrospective effect was given in order to protect the direct recruits and to maintain ratio between the direct recruits and promotees. It was issued from the date on which the ratio for the direct recruits and promotees were prescribed. Amendment (1) II was issued from the date on which the post became a promotional post and therefore, the



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amendment would not result in discrimination or denial of the opportunity available to the petitioner for promotion to the post of District Educational Officer. The promotion of the petitioner has to be considered based on the seniority in the post of High School Headmaster and by following the due procedures.

7. With the above clarification, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
30.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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The Government of Tamil Nadu,
(School Education Department),
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