



W.P.(MD)No.29201 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29201 of 2022

and

W.M.P(MD)Nos.23134 to 23136 of 2022

V.Vaiyanan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
School Education (A1) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road, V.O.C. Nagar, Park Town,
Chennai – 600003.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.Ms.No.528, School Education(A1) Department, dated 31.12.1997 on the file of the respondent No.1 and the consequential notification in Advertisement No.643/Notification No.37/2022, dated 14.12.2022 on the file of the second respondent and quash the same as illegal to the extent of



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reserving 5% of total vacancies in the direct recruitment of District Educational Officer(Group-IC Services) to the Teachers employed in recognized Aided Secondary Schools and Higher Secondary Schools and consequently, to permit the petitioner working as the Post Graduate Assistant in Zoology at Roselind Chelaiah Government Higher Secondary School, Maruthakulam, Tirunelveli District to participate in the selection to 5% posts of District Educational Officer (Group – IC Services) earmarked for the Teachers with experience within the time stipulated by this Court.

For Petitioner	: Mr.S.Louis
For R-1	: Mr.S.Saji Bino, Special Government Pleader
For R-2	: Mr.J.Anand Kumar

ORDER

This writ petition has been filed to quash the impugned order in G.O.Ms.No.528, School Education(A1) Department, dated 31.12.1997 on the file of the first respondent and the consequential notification in advertisement No.643/Notification No.37/2022, dated 14.12.2022, on the file of the second respondent as illegal to the extent of reserving 5% of total vacancies in the direct recruitment of District Educational Officer(Group-IC Services) to the Teachers employed in recognized Aided Secondary Schools and Higher Secondary Schools and consequently, to permit the petitioner working as the Post Graduate



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Assistant in Zoology at Roselind Chelaiah Government Higher Secondary School, Maruthakulam, Tirunelveli District, to participate in the selection to 5% posts of District Educational Officer (Group – IC Services) earmarked for the Teachers with experience within a stipulated period.

2. The case of the petitioner is that the petitioner was appointed as B.T.Assistant (Science) recruited through Teacher Recruitment Board(TRB) and presently he is serving as Post Graduate Assistant in Zoology at Roselind Chellaiah Government Higher Secondary School, Maruthakulam, Tirunelveli District. While so, the second respondent issued the impugned notification No.37/2022, dated 14.12.2022, calling for applications for the selection to the post of District Educational Officer(Group-I C Services) through direct recruitment, reserving 5% of total vacancies in the direct recruitment of District Educational Officer(Group-IC Services) to the Teachers employed in recognized Aided Secondary Schools and Higher Secondary Schools. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is now working as B.T. Assistant. As per the impugned notification, out of eleven vacancies, two posts are reserved for the Teachers employed in the Recognized Aided Secondary Schools and Higher Secondary Schools and nine posts were earmarked from the open market. Since the promotional avenues are deprived by recruiting Teachers from the aided school, on the sole ground, this writ petition is filed.

4. Per contra, the learned standing counsel appearing for the second respondent would submit that G.O.Ms.No.528, School Education(A1) Department, dated 31.12.1997, was issued in the year 1997, for amendment to the Special Rules for the Tamil Nadu School Educational Service and the post of Headmasters or Headmistresses of Government Higher Secondary Schools is made as a feeder category for the post of District Educational Officer, in which, amendment was made in Rule 2, in Sub-Rule(a) . In pursuant to the said amendment, the post of District Educational Officer is filled up by direct recruitment or transfer or by promotion or by recruitment by transfer. Through direct



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recruitment, 20% is earmarked for open market, 05% is earmarked for the Teachers of the recognized aided Secondary Schools or Higher Secondary Schools and 50% of posts are filled up from the category of Headmasters or Headmistresses of Government High Schools in Class V including Headmasters or Headmistresses of Government Higher Secondary Schools appointed by recruitment by transfer from the post of Headmasters or Headmistress of Government High Schools who opt to be so appointed as Headmasters or Headmistresses of Government High Schools. Another 25% recruitment is by transfer from the category of Headmasters or Headmistresses of Government Higher Secondary Schools. Based on the above Government Order, the impugned notification is issued. The petitioner has challenged the said Government Order after a decade. Further, as per the original Rule, the total experience required is 12 years experience as B.T., Assistant, but the petitioner is having only seven years experience and accordingly, prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials produced before this Court.



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6. Admittedly, the petitioner is working as Post Graduate Assistant at Roselind Chellaiah Government Higher Secondary School, Maruthakulam, Tirunelveli District. The present writ petition is filed stating that out of the total number of eleven vacancies of District Educational Officer, two vacancies are going to be filled up from the Teachers employed in recognized aided Secondary Schools and Higher Secondary Schools, which is highly arbitrary. However, the fact remains that G.O.Ms.No.528, dated 31.12.1997 was issued in the year 1997, a decade ago, for amendment of the Tamil Nadu School Educational Service making the Post of Headmasters or Headmistresses of Government Higher Secondary School as a feeder category for the post of District Educational Officer, in which, the post of District Educational Officer is filled up by direct recruitment or transfer or by promotion or by recruitment by transfer. Through direct recruitment, 20% is earmarked for open market, 05% is earmarked for the Teachers of the recognized aided Secondary Schools or Higher Secondary Schools. 50% of posts are filled up from the category of Headmasters or Headmistresses of Government High Schools in Class V including Headmasters or



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Headmistresses of Government Higher Secondary Schools appointed by recruitment by transfer from the post of Headmasters or Headmistress of Government High Schools who opt to be so appointed as Headmasters or Headmistresses of Government High Schools. Another 25% recruitment by transfer from the category of Headmasters or Headmistresses of Government Higher Secondary Schools. Hence, the prayer made in the writ petitioner with regard to G.O.Ms.No.528 dated 31.12.1997, is misconceived. Further, as rightly pointed out by the learned standing counsel appearing for the second respondent, as per the original Rule, the total experience required is twelve years experience as B.T., Assistant, but the petitioner is having seven years experience only. Therefore, even for lack of experience also, the petitioner has no *locus standi* to challenge the impugned notification.

7. In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

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NCC:Yes/No

Index:Yes/No



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