



W.P.No.561 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.561 of 2022
and W.M.P.No.605 of 2022

Anaithu Palli Pattathari Aasiriyarkal Sangam,
Registration No.27/2021,
represented by its Secretary,
29, Venu Vanakumar Koil Street,
Tirunelveli 627 006.

...Petitioner

-Vs-

1. The Commissioner,
School Education Department,
DPI Campus, College Road,
Chennai 600 006.

2. The Joint Director,
Higher Secondary,
DPI Campus, College Road,
Chennai 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to prepare the panel for promotion to the post of PG Assistants and High School Headmasters by considering objections of the petitioner Association dated 21.10.2021 strictly in accordance with the seniority list published vide the proceedings of the First Respondent dated 26.07.2019 and accordingly include



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the names of the members Association in the panel for promotion to the post of PG Assistants (various Subjects) and High School Head Master as on 01.01.2021.

For Petitioner : M/s.Dakshayani Reddy, Senior Counsel
for M/s Suneetha
For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to prepare the panel for promotion to the post of PG Assistants and High School Headmasters by considering objections of the petitioner Association dated 21.10.2021 strictly in accordance with the seniority list published vide the proceedings of the First Respondent dated 26.07.2019 and accordingly include the names of the members Association in the panel for promotion to the post of PG Assistants (various Subjects) and High School Head Master as on 01.01.2021.

2. Heard the learned counsel on either side and perused the materials available on records.



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3. The members of the petitioner's Association were originally appointed to the Elementary Education Department to the post of BT Assistants. Insofar as the Education Department is concerned, the primary school classes 1 to 5, under the control of Directorate of Elementary Education are considered as one unit and from classes 6 to 10 or 6 to 12 under the Directorate of School Education are considered as one unit. When an elementary school is upgraded into high school, the teachers who are all working in the Elementary Education Department are absorbed into the School Education Department. The members of the petitioner Association are presently working in the Directorate of School Education. The orders passed absorbing the petitioners to the Directorate of School Education contained a prescription that the petitioners shall not be entitled to the seniority in the elementary unit. Such a condition cannot be hold against the petitioners in as much as the absorption was not on the members own violation but due to the fact that the school in which they were working got upgraded as a high school. The respondents published a comprehensive seniority list in the post of BT Assistants in the Directorate of School Education. It was published vide proceedings of the first respondent dated 26.07.2019. However, the individuals who were appointed later than the members of the petitioner Association were promoted and in the said panel members of the petitioner Association were not included. Therefore, the petitioner submitted a



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detailed representation and it is pending on the file of the respondents.

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4. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

03.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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To

1. The Commissioner,
School Education Department,
DPI Campus, College Road,
Chennai 600 006.
2. The Joint Director,
Higher Secondary,
DPI Campus, College Road,
Chennai 600 006.



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G.K.ILANTHIRAIYAN. J.

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