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W.A.Nos.1295 to 1297 of 2012 (3 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.1295, 1296 & 1297 of 2012
and
C.M.P.Nos.14651, 14659 & 14662 of 2024
and
5382 of 2017

C.Arokiadoss

... Appellant in all W.A.'s

Vs.

1. The Secretary to Government of Tamil Nadu,
School Education,
(HS-II) Department,
Fort St.George, Chennai - 9.
2. The Director of School Education,
D.P.I.Compound,
College Road, Chennai - 6.
3. The Secretary, Tamil Nadu Public Service Commission,
Government Estate,
Chennai - 2.
4. I.Kalanithi Garijam
5. J.Nanjappan
6. D.Duglux Manoharan

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7. S.Jayaprakash
8. C.P.Anandi Selvarani
9. R.Sekaran
10. G.Rajendran
11. D.V.Kalaimani
12. M.Jothimanickam
13. The Tamil Nadu Higher Secondary,
Post Graduate Teachers Association,
Represented by its President.

... Respondents in all W.A's

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent to set aside the common order dated 30.11.2010 passed in W.P.Nos.44339, 44340 & 44341 of 2006.

For Appellants : Mrs.Auxilia Peter [in all W.A's]

For R1 & R2 : Mr.E.Sundaram
Government Advocate [in all W.A's]

For R3 : Mr.R.Bharanidharan
Standing Counsel for TNPSC [in all W.A's]

For R6, R8, R10
& R12 : No appearance[in all W.A's]

For R4, R5, R7,
R9, R11 & R13 : Not ready in notice [in all W.A's]

COMMON JUDGMENT



W.A.Nos.1295 to 1297 of 2012 (3 cases)

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

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The common order passed in a batch of writ petitions seeking refixation of seniority is under challenge in the present writ proceedings.

2. The issue raised before the writ court was about regularisation and refixation of seniority of Higher Secondary School Teachers.

3. Pursuant to the upgradation of High Schools as Higher Secondary Schools from the year 1978 – 1981, the seniority dispute aroused and various litigations have been instituted. During the earlier round of litigation, by the Judgment dated 24.11.2004, Division Bench decided that the seniority in respect of the Teacher appointed to Higher Secondary School would be formulated as follows:

"As regards the first category of teachers, those appointed between 01.07.1978 and 28.04.1981, their seniority will be reckoned from the date on which they acquire the required qualification, provided that they do so within such time as extended by the Government and subject to the concurrence of the Tamil Nadu Public Service Commission.



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As regards the second category of teachers, those appointed after 28.04.1991 and selected by the Tamil Nadu Public Service Commission, their seniority will be fixed as per the Tamil Nadu Public Service Commission list.

As regards the third category of teachers, those appointed after 28.04.1981 and who have not been selected by the Tamil Nadu Public Service Commission and whose services would rank below the last candidate selected by the Tamil Nadu Public Service Commission. This will depend on the seniority list published by the Tamil Nadu Public Service Commission and after the last candidate so selected, the seniority of the teachers whose services have been regularised by G.O.Ms.No.1813 dated 12.12.1988 will be fixed."

4. Challenging the Judgment of the Division Bench cited *Supra*, an appeal was filed before the Hon'ble Supreme Court of India. The Apex Court by Judgment dated 15.05.2009 in Civil Appeal Nos.3582 to 84 of 2009, confirmed the said Judgment. Accordingly, the issue relating to fixation and refixation of seniority was finalised and promotions are being granted continuously to the Teachers. Thus, settled seniority pursuant to the orders of the Division Bench as confirmed by the Hon'ble Supreme Court need not be revisited by this Court through the present litigation. Therefore, we are not



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inclined to consider the grounds raised in the writ appeals. Consequently, all the writ appeals are **dismissed**. No costs. Connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]
15.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The Secretary to Government of Tamil Nadu,
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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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Judgment in
W.A.Nos.1295 to 1297 of 2012

15.07.2024