



WEB COPY



W.P.No.1129 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.1129 of 2022

and

W.M.P.Nos.1187 and 1189 of 2022

1.P.M.Prasad
2.Vempalli Sukumar
3.K.P.Niranjana
4.M.Venkataraman

... Petitioners

Vs.

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

2.The District Educational Officer,
Hosur Educational District,
Krishnagiri District.

3.The Block Educational Officer,
Hosur Block,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to consider the objection of the petitioners to the panel as on 01.01.2021 to the post of



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Middle School Headmaster (Telugu) Hosur Block and accordingly include the name of the petitioners above the Elementary School Headmasters by applying proviso to Rule 41(1) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016 and as per the judgments of this Court in W.P.No.18996 of 2019 dated 04.12.2019 and promote the petitioners to the post of Middle School Headmaster with all attendant service and monetary benefits.

For Petitioners : M/s.Dakshayani Reddy
Senior Advocate
for Ms.Suneetha

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the respondents to consider the objection of the petitioners to the panel dated 01.01.2021 to the post of Middle School Headmaster (Telugu) Hosur Block and to include the name of the petitioners above the Elementary School Headmaster.

2. The grievance of the petitioners are that by virtue of the proviso to Section 41 of the Tamil Nadu Government Servant (Conditions of Service Act) 2018, since the BT Assistant are in higher pay band than the Elementary



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School Headmasters, preference should be given in the matter of promotion to the post of Middle School Headmaster and if only eligible hands are available in the BT Assistant, promotion can be resorted to from the post of Elementary School Headmaster.

3. Be that as it may, when the matter came up for hearing, the learned Special Government Pleader for the respondents produced a copy of G.O.Ms.No.243, School Education (EE1(1) Department, dated 21.12.2023 and she would submit that pending the writ petition the rule relating to seniority has been amended and now for all promotions, even in respect of the post of Elementary School Headmaster or the BT Assistant, the state wise seniority is only followed and as such this block wise panel which was prepared in respect of which the petitioners have made representation and in respect of which the petitioners are aggrieved of will not be implemented.

4. In that view of the matter, nothing further needs to be adjudicated in this writ petition. As and when fresh exercise is done, if still the petitioners are aggrieved as per law, it will be open for them to contest the matter in the manner known to law.



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WEB COPY 5. This Writ Petition stands disposed of. No costs. Consequently,
connected Writ Miscellaneous petitions are closed.

18.04.2024

Index : Yes
Speaking Order: Yes
Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.

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