



WEB COPY

W.P.No.8792



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8792 of 2009

1.M.Anantharaman
2.C.Dhanalakshmi

... Petitioners

Vs.

1. The Director, Elementary Education Office,
College Road, Nungambakkam, Chennai – 600 006.
2. The District Elementary Educational Officer,
Erode.
3. The Additional Elementary Educational Officer,
Uthukuli, Erode District.
4. V.Mohanraj
5. Sudhamanai
6. N.Geetha
7. L.Boopalan
8. Roase Meridena
9. Sahul Hameed
10. A.Theresa
11. R.Sumathy
12. S.Kaythri

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent made in the panel drawn as on 01.01.2009 and quash the same in so far as inclusion of respondents 4 to 11 over and above the petitioners are concerned and consequently directing the respondents 2 and 3 to prepare a panel for B.T. Teacher consisting of person who are eligible to be promoted as Head Masters of Middle School in Uthukuli Panchayat Union as on 01.01.2009 by placing the petitioners over and above the respondents 4 to 10 i.e. over and above the direct recruits who were given regular appointments on 01.06.2003 and consequently effect promotions according to said panel.

For Petitioner : Mr.N.K.Susruthan for
Silambannan Associates

For R1 to R3 : Mr.K.H.Ravikumar,
Government Advocate

For R7 : Mr.Anton Dhanasekaran
for Mr.S.Mohanasundararajan

ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus, calling for the records of the Respondent No.3 in connection with the panel that



was drawn on 01.01.2009 and to quash the same, insofar as including the respondents 4 to 11 over and above the petitioner, and also sought for a consequential direction to prepare a fresh panel of 'B.T. Assistant Teachers', eligible for promotion to the post of 'Middle School Headmaster' in Uthukuli Panchayat Union as on 01.01.2009 by placing the petitioners over and above the respondents 4 to 10.

2. It is the case of the petitioners that, they are appointed as 'Secondary Grade Teachers' on 08.08.1997 in Uthukuli Panchayat Union and thereafter, they were promoted to the post of 'B.T.Assistants' on 03.01.2007 and 27.11.2006 respectively and while they were working as 'B.T.Assistants', the respondents have taken steps for filling up the post of 'Middle School Headmasters' and the panel was drawn as on 01.01.2009 and in the said panel, the respondents 4 to 11 herein were placed above the petitioners and thereby, they were accordingly considered and promoted to the post of 'Middle School Headmasters'. It is aggrieved by the said panel prepared, the petitioners approached this court by filing the present writ petition contending that in terms of Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the seniority of a person in a service, class, category or grade shall, unless he has been reduced to a lower rank as a punishment, be determined in the order of his



placement in the list prepared by the recruitment agency or appointing authority, as the case may be. Thus, it is contended that the initial date of appointment of the petitioners as 'Secondary Grade Teacher' is to be taken into consideration for the purpose of preparation of panel for promotion to the post of 'Middle School Headmaster', but the respondents, instead of taking into consideration the said initial entry of the petitioners into service, have only taken into consideration the date of their promotion to the post of 'B.T.Assistant'. It is also further contended that the respondents 4 to 11 herein, though were initially appointed on consolidated pay, their services were regularized subsequently in the post of 'B.T.Assistant' and they were placed above the petitioners, thereby the right of the petitioners for being considered for promotion to the post of 'Middle School Headmaster' is denied.

3. This court has carefully considered the submissions made on either side and also perused the entire material on record.

4. There is no dispute on the factual aspects. Admittedly, the petitioners herein, who were appointed as 'Secondary Grade Teachers' on 08.08.1997 were promoted to the post of 'B.T.Assistant' on 03.01.2007 and 27.11.2006 respectively. The respondents 4 to 11 herein, who were all appointed as



'B.T.Assistants' on 26.06.2011 and it is only the Respondent No.11, who was appointed as 'B.T.Assistant' on 27.11.2006. There is no dispute about the said fact also.

5. In the absence of any dispute about the appointment of the respondents 4 to 11 directly to the post of 'B.T.Assistant' on 26.06.2011 and the date of promotion of the petitioners herein as noted herein above, the panel that was prepared is also by duly taking into consideration the date of appointment of the petitioners as well as the respondents 4 to 11 to the cadre of 'B.T.Assistant', which is a feeder category to the post of 'Middle School Headmaster'.

6. As such, there cannot be any dispute about the panel that was prepared, but it is only on the ground that the initial date of appointment of the petitioner in the category of 'Secondary Grade Teacher' is to be taken into consideration for the purpose of seniority, the present writ petition has been filed. This court is unable to agree with such contention for the simple reason that the seniority in the feeder category alone would be taken into consideration for the purpose of promotion to the post of 'Middle School Headmaster' and admittedly, the feeder category for the post of 'Middle School Headmaster', it is only the



'B.T.Assistant', but not the 'Secondary Grade Teacher'. Hence, the initial appointment and the services rendered by the petitioners in the category of 'Secondary Grade Teacher' absolutely has no relevance, insofar as consideration of their case for promotion to the post of 'Middle School Headmaster' is concerned.

MUMMINENI SUDHEER KUMAR, J.

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7. In the circumstances, in the considered view of this Court, the claim of the petitioners in the present writ petition is unsustainable. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions, if any, shall stand closed.

25.10.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To



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