



W.P.No.10188 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.10188 of 2021

and

W.M.P.Nos.10814 and 10816 of 2021

- 1.P.S.Thyagarajan
- 2.Subramaniam
- 3.R.Saravanan
- 4.R.Anbu
- 5.M.Ganesan
- 6.G.Rositarexalin
- 7.J.R.Srinivasan
- 8.S.Soundararajan
- 9.A.Kasinathan
- 10.Thaiyalnayaki
- 11.L.Raveendra Kumar
- 12.D.Vijayalakshmi
- 13.P.Venkatesan
- 14.Churchil
- 15.V.Murugalakshmi
- 16.M.Janaki
- 17.K.Gayathri
- 18.J.Indumathi
- 19.P.Mageshwari
- 20.T.Ganesan
- 21.R.Padmavathy
- 22.R.K.Merlinrajini
- 23.N.Deepa
- 24.K.C.Janaki
- 25.S.Malarselvi
- 26.R.Umagowri



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27.B.Raveendiran
28.S.Deepa
29.K.Sekar
30.M.Kanagasabapathy
31.K.Sulochana

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.

2.The Director of School Education,
DPI Campus,
Chennai – 600 006.

3.The Joint Director,
School Education,
DPI Campus,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents herein to implement the amendment to Rule 3 of the Tamil Nadu School Education Subordinate Services vide G.O.Ms.No.7 School Education dated 20.01.2020 by taking into account that it is with retrospective effect from 19.07.2007 by preparing the number of vacancies for each year from the year 2012 for the purpose of filling up 2% of the vacancies in the post of BT Assistants by recruitment by transfer from amongst the qualified non teaching staff and accordingly call for the names of the petitioners and grant them with appointment to the post of BT



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Assistants first before resorting to fill up the vacancies in the post of BT Assistants by promotion.

For Petitioners : M/s.Dakshayan Reddy

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

Under similar circumstances, this Court allowed W.P.No.4756 of 2021, by an order dated 23.07.2024 and the operative portion of the said order reads as under:-

“10. It is further submitted by the learned counsel for the petitioner that the petitioner is not seeking for any retrospective appointment by transfer or any monetary benefits with retrospective effect. He is only seeking appointment by transfer prospectively.

11. In the light of the above, this Court does not see any impediment for granting the relief as sought for in this writ petition. Accordingly, this Writ Petition is allowed by directing the respondents to give effect to the amendments made to the Special Rules for the Tamil Nadu School Education Subordinate Service through G.O.Ms.No.7, School Education Department dated 20.01.2020 with effect from 19.07.2007.



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12. The respondents are further directed to ascertain the number of vacancies filled up since 19.07.2007 to the posts of School Assistant/Graduate Teacher by way of promotion and ascertain 2% of such posts, and fill up the said 2% posts by considering the ministerial staff working in School Education Department by way of appointment by transfer in accordance with G.O.Ms.No.7, School Education Department, dated 20.01.2020 till 29.01.2020 and thereafter to consider the claims of the said ministerial staff for appointment by transfer to the posts of Graduate Teacher in terms of G.O.Ms.No.13 School Education (S.E.3(1)) Department, dated 30.01.2020. The respondents are further directed to complete the entire exercise as directed above as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.

13. It is made clear that the petitioner and other ministerial staff working in the School Education Department and claiming appointments by transfer to the posts of Graduate Teacher/School Assistants, shall be subject to their satisfying the qualification criteria prescribed for the respective posts.”



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2. Applying the ratio laid down in the above detailed order passed in

W.P.No.4756 of 2021 dated 23.07.2024, this Writ Petition is allowed on the same lines. No costs. Consequently, connected writ miscellaneous petitions are closed.

23.07.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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WEB COPY

- To
- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
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 - 2.The Director of School Education,
DPI Campus,
Chennai – 600 006.
 - 3.The Joint Director,
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DPI Campus,
Chennai – 600 006.



WEB COPY



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MUMMINENI SUDHEER KUMAR, J.

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and

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23.07.2024