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W.P.No.7988 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.7988 of 2020

and

W.M.P.Nos.9434, & 9435 of 2020

1.M.Gomathy

2.P.Manimozhi

...Petitioners

-Vs-

1.The State of Tamil Nadu,

Represented by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600 009.

2.The State of Tamil Nadu,

Represented by its Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai – 600 009.

3.The Director of School Education,

DPI Complex, College Road,
Chennai – 600 006.

4.The Joint Director of School Education,

Personnel (Higher Secondary Schools),
DPI Complex, College Road,
Chennai – 600 006.

5.The Chief Educational Officer,

Tiruvallur District,
Tiruvallur – 602 001.

6.The Chairman,



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Teachers Recruitment Board,
DPI Campus, College Road,
Chennai – 600 006.

...Respondents

****R6 suo motu impleaded vide order dated 18.11.2024
made in W.P.No.7988 of 2020**

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Declaration, declaring that the petitioners who have undergone their entire course of studies in Tamil medium are entitled to the benefit of Act 40 of 2010 and consequently direct respondents 3 and 4 to instruct the 5th respondent to appoint the petitioners as P.G.Assistants on a preferential basis under Act 40 of 2010 in any one of the Government Higher Secondary Schools in the Tiruvallur District within a time frame to be fixed by this Court.

For Petitioners : M/s.C.Uma

For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition is filed seeking to declare the petitioners who have undergone their entire course of studies in Tamil medium are entitled to the benefit of Act 40 of 2010 and consequently direct respondents 3 and 4 to instruct the 5th respondent to appoint the petitioners as P.G.Assistants on a preferential basis under Act 40 of 2010 in any one of the Government Higher



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Secondary Schools in the Tiruvallur District.

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2. The case of the petitioners are as follows:

2.1 The petitioners have undergone the entire course in school education and B.A, B.Ed, M.A. M.Phil and B.Lit, B.Ed and M.A. in Tamil medium. The petitioners are at present working as Secondary Grade Teachers in various schools. Taking note of their qualifications the petitioners are entitled to the post of PG Assistant. The petitioners have been languishing in the post of Secondary Grade Teacher ever since they were appointed even though taking note of their qualifications, they are eligible to be appointed as PG Assistants.

2.2 The Tamil Nadu Legislature has passed Act 40 of 2010 to give preference up to 20% to persons who have obtained their qualification in Tamil Medium of Instruction in all the services of the State Government. There are many posts of PG Assistants in Higher Secondary Schools in the Tiruvalur District. But the petitioners who are fully qualified for the post of PG Assistant are not being considered for the post of PG Assistants on a preferential basis as per the policy of the State of Tamil Nadu under Act 40 of 2010. The respondents are under a legal obligation to implement the policy of



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the State Government by reserving 20% of the vacancies in the post of PG Assistants in Higher Secondary Schools with Tamil Medium candidates like the petitioners. A direction should be issued to respondents 3 and 4 to instruct the 5th respondent to appoint the petitioners as P.G.Assistants in any one of the Government Higher Secondary Schools in Tiruvalur District to implement the policy of the Tamil Nadu Legislature. Hence the present writ petition is filed.

3. Learned counsel appearing for the petitioners submitted that the first petitioner has retired by giving voluntary retirement on 31.01.2024. In regard to the second petitioner, she is willing to give a representation to the respondents to appoint the second petitioner as PG Assistant based on Act 40 of 2010 in any one of the Government Higher Secondary Schools in the Tiruvallur District.

4. Learned counsel further submitted that the Teachers Recruitment Board is also one of the Competent Authorities to consider the representation of the second petitioner.

5. Heard both sides and perused the materials available on record.



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6. In view of the above submission made by the learned counsel for the petitioners, **this Court suo motu impleads “The Chairman, Teachers Recruitment Board, DPI Campus, College Road, Chennai – 600 006 as the sixth respondent in the above writ petition.**

7. In view of the limited prayer sought for, this Court is inclined to pass the following directions:

- a) The petitioner is directed to give a representation to all the respondents including the Teachers Recruitment Board (suo motu impleads sixth respondent) within a period of two weeks from the date of receipt of a copy of this order.
- b) On receipt of the same, the respondents are directed to consider the representation of the second petitioner on merits, in accordance with law and pass appropriate orders within a period of eight weeks thereof.

In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected



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miscellaneous petitions are closed.

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Note : Registry is directed to carry out the necessary amendments in the cause title.

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Index : Yes/No

Speaking/Non Speaking order

To

1.The Secretary to Government,



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Personnel and Administrative Department,
Fort St. George, Chennai – 600 009.

2.The Principal Secretary to Government,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai – 600 009.

3.The Director of School Education,
DPI Complex, College Road,
Chennai – 600 006.

4.The Joint Director of School Education,
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DPI Complex, College Road,
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5.The Chief Educational Officer,
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Tiruvallur – 602 001.

6.The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
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J.SATHYA NARAYANA PRASAD, J.

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