



WEB COPY



W.P.No.20964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20964 of 2024
and W.M.P.Nos.22934 and 22944 of 2024

1. N.Somasundaram
2. M.Subramani

... Petitioners

-Vs-

1. The State Of Tamil Nadu,
Represented By its Principle Secretary To Government,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director,
School Education Department,
DPI Campus, College Road, Chennai - 600 006.
3. The Joint Director (Higher Secondary),
Directorate Of School Education Department,
DPI Campus College Road, Chennai - 600 006.
4. The Joint Director (Personnel),
Directorate Of School Education Department,
DPI Campus, College Road, Chennai - 600 006.
5. The Tamilnadu Public Service Commission,
Represented By Its Secretary,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the third Respondent to appoint the Petitioners by recruitment of transfer as PG Assistants against the 2 percentage reserved for appointment by recruitment by transfer from among the staff who are qualified in the Tamil Nadu Ministerial Service working in the School Education Department as per G.O.Ms.No.14, School Education (SE2 (1) Department, dated 30.01.2020 based on the merit list drawn by the 5th Respondent as per the directions of the Hon'ble Supreme Court in Contempt Petition (Civil) Diary Nos.6415/2021 in SLP (C) No.2886/2016 with effect from 06.02.2021 when the juniors of the Petitioners were recruited by transfer to the post of PG Assistants.

For Petitioners : Mrs.Nalini Chidambaram, Senior Counsel
for M/s C.Uma

For R1 to R4 : Mrs.S.Mythreye Chandru
Special Government Pleader

For R5 : Mr.Abrar Md.Abdullah
Standing Counsel

ORDER

This Writ Petition has been filed for direction directing the third Respondent to appoint the Petitioners by recruitment of transfer as PG Assistants against the 2 percentage reserved for appointment by recruitment by transfer from among the staff who are qualified in the Tamil Nadu Ministerial Service working in the School Education Department as per G.O.Ms.No.14, School Education SE2 (1) Department, dated 30.01.2020 based on the merit list



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drawn by the 5th Respondent as per the directions of the Hon'ble Supreme Court in Contempt Petition (Civil) Diary Nos.6415/2021 in SLP (C) No.2886/2016 with effect from 06.02.2021 when the juniors of the Petitioners were recruited by transfer to the post of PG Assistants.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners were qualified to apply for the post of Group-IV services. They had applied in pursuant to the notification dated 27.04.2012 issued by the 5th respondent. In the written examination, they had secured 222 marks out of 300 and 225 marks out of 300 respectively. The petitioners were called for certificate verification for the post of Junior Assistant under the Tamil Nadu Ministerial Services. The School Education Department is one of the department coming under the Tamil Nadu Ministerial service. The petitioners were called for counselling and the first petitioner was appointed as Junior Assistant in the Government Higher Secondary School (Anna Salai) Rasipuram, Namakkal District, on 02.02.2013. The second petitioner was appointed as Junior Assistant in the Government Boys Higher Secondary School, Konganapuram, Salem District, on 02.02.2013. Thereafter, their services were



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regularized. While being so, the Government passed an order in G.O.Ms.No.2, School Education Department dated 02.01.2019 stating that since the Bhavani Sagar Training could not be completed by the first petitioner within two years due to administrative delays, the Government decided to accept the recommendation of the Director of School Education and relaxed the condition and declared the probation of the first petitioner with effect from 18.11.2015. Likewise, the probation of the second petitioner was also declared by G.O.Ms.No.684, School Education P.K4(2) Department dated 10.11.2017.

4. While being so, the Hon'ble Supreme Court of India held that the seniority shall be based on the merit list and not by communal rotation. Accordingly, the 5th respondent revised the seniority list based on merits. Therefore, the petitioners are entitled to be appointed by recruitment of transfer as PG Assistant against 2% reserved for appointment by recruitment by transfer from among the staff who are qualified in the Tamil Nadu Ministerial Service working in the School Education Department as per G.O.Ms.No.14, School Education (SE2 (1) Department, dated 30.01.2020. However, though the 5th respondent revised the seniority list on merit basis, they were not considered to be appointed as PG Assistants.



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5. Considering the above facts and circumstances of the case, the third respondent is directed to consider the case of the petitioners as per G.O.Ms.No.14, School Education (SE2 (1) Department, dated 30.01.2020 and as per the revised merit list drawn by the 5th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

30.07.2024
(1/2)

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
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G.K.ILANTHIRAIYAN, J.

mn

To

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The State Of Tamil Nadu,
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Fort St.George, Chennai - 600 009.
2. The Director,
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