



Writ Petition No.23652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23652 of 2024
WMP Nos.25880, 25881 and 25882 of 2024

1.E.Maanhvizhi

2. G.Santhosh

.. 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 State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai 600 009.

3. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006

4. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600 003

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of



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India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O. Ms. No 186, School Education SE1 (1) Department, dated 31.07.2024 and quash the same in so far as the said GO does not include the name of the petitioners in th selection panel for the post of Chief Educational officer and Deputy Director of school Education coming under Class III of the Tamil nadu School Educational service and consequently direct the 1st and 2nd Respondents to include the names of the petitioners in the selection panel for the post of Chief Educational officer or Deputy Director of School Education in the list of candidates selected of the post of District Educational officer pursuant to Notification No. 37 / 2018, dated 10.12.2018 taking note of the high marks secured by the petitioners being 636.25 and 621 in the selection process pursuant to pursuant to Notification No 37/2018, dated 10.12.2018 and promote the petitioners as chief Educational officer or Deputy director of school Education.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel for
Mrs.C.Uma
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R3
Mr.K.Tamilvendan,
Government Advocate for
2nd respondent
Mrs.G.Hema,



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Standing Counsel for 4th respondent

ORDER

This writ petition has been filed challenging G.O. Ms. No 186, School Education SE1 (1) Department, dated 31.07.2024 insofar as not including the names of the petitioners in the selection panel to the post of Chief Educational officer and Deputy Director of school Education.

2. Heard Mrs.Nalini Chidambaram learned Senior Counsel for Mrs.C.Uma, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents 1 and 3 and Mr.K.Tamilvendan, learned Government Advocate for 2nd respondent and Mrs.G.Hema, learned Standing Counsel for 4th respondent

3. The case of the petitioner is that the 3rd respondent issued a notification dated 10.12.2018 inviting applications for direct recruitment to the post of District Educational Officer in School Education Department. This is for the years 2014-2015, 2015-2016 and 2016-2017. The total number of vacancies that were notified was 14 from the open market and four among the teachers employed in recognized aided



secondary schools and higher secondary schools. The vacancies were also distributed as among the different communities. The petitioners applied for the post of District Educational Officers under open market category. They wrote the preliminary examination and participated in the interview and secured high marks. The 4th respondent published the ranking list consisting of 47 candidates. The petitioners were placed at Rank No.2 and 5 respectively. Thereafter, the candidates who were selected were also directed to attend the counseling on 11.12.2020. The petitioners participated in the counseling. The 4th respondent published the final selection list on 16.12.2020 and the petitioners were again found in Sl No.2 and 5 in that list.

4. The 1st respondent issued GO (3D) No.03, School Education (SE 1(1)) Department dated 13.07.2021, approving the selection of the candidates made by the 3rd respondent. Thus, the selection of the petitioners in Sl Nos.2 and 5 went to the stage of approval made by the 1st respondent.

5. A challenge was made to the selection in WP No.25424 of 2021. The writ petition was disposed of by an order dated 29.04.2024 in



the following terms :-

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24. In the result,

(i) W.P.No.25424 of 2021 is allowed and the impugned government order issued by the 1st respondent in G.O.(3D) No.3 School Education [SE(1)] Department, dated 13.07.2021 is quashed and the respondents 1 to 4 are directed to re-do the exercise by rightly issuing two separate selection lists one for the open category and another for the teacher category by following the communal reservation in accordance with the vacancies earmarked as against each community or priority and complete the exercise and issue the revised selection list within a period of four weeks from the date of receipt of a copy of this order.

(ii) W.P.Nos.19622 of 2020 and 169, 170, 3398, and 3402 of 2021 are also disposed with the above direction.

(iii) No Costs. Consequently, the connected miscellaneous petitions are closed.

6. Aggrieved by the above order, the petitioners along with other candidates filed WA No.1597 of 2024. Similar appeals were also filed by other selected candidates. All these appeals were tagged



together. The matter came up before the Division Bench on 23.05.2024 and the following interim order was passed :-

2. The exercise directed to be undertaken by the learned Judge can go on. But final selection list shall not be issued, the petitioners' position as District Educational Officer shall also not be disturbed till then. It goes without saying that the rights of the parties would abide by the outcome of the writ appeal.

7. Pursuant to the above order, the Writ appeals were once again listed for hearing on 28.08.2024 before the Hon'ble First Bench. The Hon'ble First Bench modified the earlier order in the following terms :-

3. We have heard learned counsel on either side and perused the interim order passed on 23.5.2024 and the documents available on record. 4. In the light of the submissions made, we modify the order dated 23.5.2024 as follows:

(i) The respondent department is permitted to consider granting promotion to the post of Chief Educational Officer based on the seniority list drawn pursuant to the direction issued by the learned Single Judge;

(ii) Any promotion being granted by the Chief Educational



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Officer based on the seniority list drawn pursuant to the direction of the learned Single Judge, shall be subject to the outcome of the order to be passed in the writ appeals.

8. The grievance of the petitioners is that the 1st respondent issued GO Ms.No.186 dated 31.07.2024 and by virtue of the same, an attempt was made to fill up the post of Chief Educational officers and Deputy Director of School Education. The petitioners were not considered in view of the pending litigation. Therefore, the present writ petition has been filed before this Court challenging the Government Order insofar as not including the names of the petitioners in the selection list.

9. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of respondents 1 and 2 submitted that a clarification has now been made by the Hon'ble First Bench by interim order dated 28.08.2024 and that the same will be strictly followed. The learned counsel submitted that if the petitioners are also found eligible, their candidature will also be considered for the post of Chief Educational Officer / Deputy Director of School Education.

10. In the light of the clarity given by the official respondents,



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the grievance expressed by the petitioner has been sufficiently redressed. Therefore, it will suffice to record the submission made by the learned Special Government Pleader and make it clear that the interim order passed by the Hon'ble First Bench on 28.08.2024 will be strictly complied with and the candidature of the petitioners will also be considered for the post of Chief Educational Officer / Deputy Directorate of School Education, if they are otherwise eligible.

11. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

02.09.2024

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

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Note : Issue order copy on 04.09.2024.

To

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N.ANAND VENKATESH, J

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