



Writ Petition No.31862 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31862 of 2024

M.Alaudeen Basha
S/o.Late Mackbul

... Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director of School Education
(Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents herein to include the petitioner in the panel for appointment by recruitment by transfer as on 01.01.2021 to the post of PG Assistant (History) in line with the order of the Hon'ble Court in W.P.No.24908 of 2021 vide order



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dated 05.01.2024 from the post of Assistant by taking into account the fact the petitioner's probation has been declared vide G.O.Ms.No.166, dated 14.09.2021, with effect from 07.01.2018 by including him at Sl.No.98A and grant him with appointment by recruitment by transfer to the post of PG Assistant (History) with all consequential and monetary benefits from the date of appointment when his juniors were appointed by recruitment by transfer.

For Petitioner : Mrs.Dhakshayini Reddy, Senior Counsel
for Ms.S.Suneetha

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader [Edn.]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to include the petitioner in the panel for appointment by recruitment by transfer to the post of PG Assistant (History) in line with the order passed by this Court in W.P.No.24908 of 2021, dated 05.01.2024, within the time frame fixed by this Court with all consequential attendant benefits.

2. Heard Mrs.Dhakshayini Reddy, learned Senior Counsel appearing for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader [Edn.] appearing for respondents.



3. The case of the petitioner is that the petitioner was appointed to the post of Assistant in the year 2015. G.O.(Ms) No.21, dated 02.11.2011, was issued to set apart 2% vacancy by appointment by recruitment by transfer from the ministerial staff of the education department to the post of PG Assistant. This 2% reservation was not implemented on the ground that there was no amendment made to the service rules. Subsequently, by G.O.(Ms) No.14, dated 30.01.2020, the rules were amended providing for 2% reservation with retrospective effect from 02.11.2011. The further case of the petitioner is that the list of persons eligible for appointment to the post of PG Assistant was drawn and the names of the juniors were included and the name of the petitioner was not included on the ground that the probation of the petitioner was not declared as on 01.01.2021.

4. By G.O.(Ms) No.166, dated 14.09.2021, the petitioner's probation was declared with effect from 07.01.2018.

5. The petitioner started making various representations to grant the petitioner appointment to the post of PG Assistant on the ground that almost 55 juniors below the petitioner were all appointed to



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the post of PG Assistant whereas the petitioner alone was not appointed due to administrative delay in declaring the probation of the petitioner.

The further case of the petitioner is that yet another person, who is similarly placed like the petitioner was also granted appointment through proceedings dated 26.06.2024. The representations made by the petitioner did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.

6. Taking into consideration the facts and circumstances of the case and the materials placed before this Court and the earlier order passed by this Court in W.P.No.24908 of 2021, dated 05.01.2024, which was acted upon by the third respondent through proceedings dated 26.06.2024, there shall be a direction to the petitioner to submit a fresh representation before the third respondent seeking for appointment to the post of PG Assistant. The third respondent, on receipt of the fresh representation from the petitioner, shall deal with the same in line with the earlier order passed by this Court in W.P.No.24908 of 2021, dated 05.01.2024, which was also acted upon by the third respondent through proceedings dated 26.06.2024 and appropriate orders shall be passed within a period of six (6) weeks from the date of fresh representation from the petitioner.



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This writ petition is disposed of with the above direction. No

costs.

24.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Principal Secretary to Government,
School Education Department,
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- 2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
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(Higher Secondary),
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N.ANAND VENKATESH, J

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