



WEB COPY

W.P.No.110



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.11005 of 2011

Tmt.K.Bhanumathy

... Petitioner

Vs.

1. Government of Tamil Nadu, Represented by its Secretary,
Department of School, Fort St. George, Chennai - 600 006.
2. The Director of School Education,
DPI Campus, Chennai – 600 006.
3. The Director of Elementary Education,
DPI Campus, Chennai – 600 006.
4. The Chief Educational Officer,
Kancheepuram.
5. The District Elementary Educational Officer,
Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to pass orders on the petitioners representation dated 11.03.2011 and to promote her as B.T.Assistant Tamil in the Middle School at Hanumandhapuram, Thirupporur Panchayat Union, Kancheepuram from the date of upgradation as High School and also from the commencement of academic year 2011-12.

For Petitioner

: Ms.Porkodi
for M/s.R.Krishnaswamy



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

ORDER

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The petitioner herein, who was initially appointed as a 'Secondary Grade Teacher' in the Panchayat Union Elementary School at Chengam Panchayat Union, made a request for transfer to the Panchayat Union Middle School, Hanumandhapuram, Thiruppur Panchayat Union, Kancheepuram District and accordingly, he was relieved from the original School by an order dated 25.08.2006 and joined in the New Middle School at Hanumanthapuram on 01.09.2006.

2. As the Panchayat Union itself is an Unit for the purpose of appointment as full member, re-appointment etc., in terms of Rule 9 of the Special Rules for the Tamil Nadu Elementary Education Sub-ordinate Services issued in G.O (Ms) No.1383, Education (PUS-1) Department, dated 23.08.1988, the petitioner was placed below all the Secondary Grade Teachers, who were working in the Hanumanthapuram Panchayat Union as on the date on which the petitioner joined the said Union. While so, by virtue of G.O (Nilai), 46, School Education (C-2) Department, dated 01.03.2011, 344 Middle Schools at various places including the Panchayat Union Middle School, Hanumanthapuram were upgraded as High Schools and consequently, the post of Secondary Grade Teachers and other posts were also upgraded as B.T



Assistants. By virtue of the said upgradation, several persons who were working as Secondary Grade Teachers and placed above the petitioner herein were upgraded as B.T Assistants.

3. It was at that stage, the petitioner claiming that he was initially appointed as Secondary Grade Teacher in the year 1993 and whereas, the persons, who were appointed as Secondary Grade Teachers after the year 1996 were considered for promotion and appointment to the post of B.T Assistant, submitted a representation dated 11.03.2011 to the respondents 2 to 4. It is aggrieved by the inaction of the Respondent No.3 on the said representation dated 11.03.2011, the petitioner approached this Court by filing the present writ petition and also claiming for a consequential direction to promote the petitioner as B.T Assistant, Tamil in the Middle School at Hanumanthapuram.

4. The respondents filed a counter-affidavit contending that the petitioner, who was initially appointed in the Chengam Panchayat Union opted for transfer on her own to Hanumanthapuram Panchayat Union and thereby, lost the seniority and was placed below all the Secondary Grade Teachers, who were working as on 01.09.2006 and therefore, the petitioner is not entitled to claim the benefit of her services rendered in the Chengam Panchayat Union and thus, contended that none of the juniors to the



petitioner in Hanumanthapuram Panchayat Union were promoted/ upgraded to the post of B.T Assistant.

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5. There is no dispute on the factual aspects. Admittedly, the petitioner has opted change of Panchayat Union on her own request and accordingly, she was placed below all the candidates, who were working in the cadre of Secondary Grade Teacher in the Hanumanthapuram Panchayat as on 01.09.2006. It is not even the case of the petitioner that any the persons joined in the post of Secondary Grade Teachers in the Hanumanthapuram Panchayat after 01.09.2006 were upgraded/ promoted to the post of B.T.Assistant. In the absence of any such allegation, the question of petitioner claiming promotion/ upgradation to the post of B.T.Assistant on the ground that the persons who have joined in the post of Secondary Grade Teacher up to the year 1996 were considered. The original joining of the petitioner in the post of Secondary Grade Teacher in the year 1993 has lost its significance once the petitioner opted to go over to another Panchayat Union, which is another unit for appointment.

6. The further contention of the learned counsel for the petitioner that, subsequently the Government issued G.O (Ms) No.243, School Education (EE1(1)) Department, dated 21.12.2023, providing for preparation of state-wide seniority of



Secondary Grade Teacher for the purpose of promotion to the post of B.T.Assistant etc., is concerned, in the considered view of this Court, the said Government Order is of no avail to support the claim of the petitioner, as made in the present writ petition.

The petitioner admittedly retired from service as early as in the year 2017 and the above said Government Order was issued on 21.12.2023. The said Government Order is not given retrospective effect. Furthermore, the petitioner already retired from service and in view of the same, the claim of the petitioner being considered by virtue of the orders issued in G.O (Ms) No.243, School Education (EE1(1)) Department, dated 21.12.2023 does not arise.

7. In the light of the above, this Court does not see any merit in the writ petition and the same is accordingly dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

03.10.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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