





W.P.(MD).Nos.2026 to 2036 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to notionally promote the petitioner as BT Assistant with effect from the date on which the Petitioner is actually entitled to the said promotion with all consequential service and monetary benefits on par with his juniors within the period that may be stipulated by this Hon'ble Court.

In all Writ Petitions:

For Petitioner	: M/S. Ajmal Associates
For Respondents	: Mr.R.Baskaran, Additional Advocate General, Assisted by M/s.N.Ramesh Arumugam Government Advocate(CIVIL)

ORDER

All the petitioners are Graduate Teachers appointed in the post of Secondary Grade Teachers, pursuant to the issuance of G.O.Ms.No. 113 dated 14.03.1997, on the condition that they would not claim promotion to the post of B.T. Assistant later. However, the first respondent issued another G.O. in G.O.Ms.No. 153 dated 30.11.2006, relaxing the said condition enabling the promotion of the petitioners as B.T. Assistants. Even after that, without extending the benefit of G.O.Ms.No.153 dated 30.11.2006, the petitioners are



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continued as Secondary Grade Teachers. Obviously, they were declined with equal pay for equal work violating the mandates of Article 14 and 39 of the Constitution of India.

2. All the petitioners are Secondary Grade Teachers appointed during 1998 and 1999 in various Adi Dravidar primary schools, having the qualification to be appointed as B.T. Assistants. Pursuant to G.O.Ms.No.153 dated 30.11.2006, the School Education Department, the petitioners who were appointed as Secondary Grade Teachers during the years 1998 and 1995, who are qualified to be appointed as B.T. Assistants ought to have been promoted as B.T. Assistants. However, no action was taken by the Government and hence, the petitioners continued as Secondary Grade Teachers on the basis of which, these petitions came to be filed.

3. When the matter was taken up for arguments, the learned Government Advocate, Mr. N. Ramesh Arumugam on written instructions dated 16.02.2024 submitted that, pursuant to the filing of this batch of writ petitions, vide proceedings bearing Na.Ka.No.20231/2023/ 15/ dated 29.01.2024, the District



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Adi Dravidar and Tribal Welfare Officer, Thanjavur has issued the final subject wise panel for promotion of Secondary Grade Teachers to the post of B.T. Assistants. In the said subject wise panel for promotion of Secondary Grade Teachers to the post of B.T. assistants, all the petitioners have been accommodated as tabulated here under:

Sl.No	Subject	Name	Subject wise Seniority
1.	Science	K.Kala	Sl.No. 5
2.	Science	S.Bhuvaneswari	Sl.No.16
3.	Science	B.Sivaneswari	Sl.No.17
4.	Science	C.Poongulali	Sl.No.19
5.	Social Science	N.Premavathy	Sl.No.18
6.	Social Science	B.Neelavathy	Sl.No.19
7.	Social Science	M.Kasthuri Bai	Sl.No.25
8.	Social Science	A.Raja Rajeswari	Sl.No.26
9.	Social Science	R.Rajeswari	Sl.No.33
10.	Tamil	P.Prema	Sl.No.51

4. He further submitted that, the writ petitioner in W.P.No. 2036 of 2024 has already been promoted as B.T. Assistant. He further ensured that in view of the fact that the petitioner's request for promotion has been considered, they



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would be accommodated as and when vacancies arises, in their appropriate turn as provident in the list.

5. Per contra, the learned senior counsel, Mr. Ajmal Khan submitted that even though the respondents have finally published their final subject wise panel for promotion of Secondary Grade Teachers to the post of B.T. Assistants and has ensured that the petitioners would be promoted as and when vacancies arises and the petitioner's turn comes, he further insisted that the petitioners are entitled to be notionally promoted as B.T. Assistants with effect from the date on which the petitioners are actually entitled to the said promotion with all consequential service and monetary benefits on par with their juniors.

6. The submission made by the learned senior counsel makes sense because promotion based on equal opportunity and seniority attached to such promotion are facets of fundamental rights under Article 16(1). The right to equal opportunity in the matter of promotion, is indeed a fundamental right guaranteed under Article 16(1). The right of promotion based on equal opportunity and seniority attached to such promotion which flows from Article



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16(1), will certainly protect the petitioners right to be notionally promoted as B.T. Assistants with effect from the date on which they are actually entitled to the said promotion with all consequential service and monetary benefits on par with their juniors.

7. In view of the same, recording the submission of the learned Government Advocate as to the issuance of final subject wise panel for promotion of Secondary Grade Teachers to the post of B.T. Assistants vide proceedings of the District Adi Dravidar and Tribal Welfare Officer, Thanjavur dated 29.01.2024, this court hereby direct the respondents to promote the petitioners as and when vacancies arises and the turn of the petitioners comes as B.T. Assistants notionally with effect from the date on which the petitioners are actually entitled to the said promotion with all consequential service and monetary benefits on par with their juniors.



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8. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Adi Dravidar and Welfare Department,
Secretariate, Fort St.George,
Chennai.
2. The Director,
O/o the Director of Adi Dravidar Welfare,
Ezhilagam,
Chepak, Chennai 600 005.
3. The Director of School Education,
DPI Campus,
College Road, Chennai.
4. The District Adi Dravidar and
Tribal Welfare Officer,
Thanjavur.



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L.VICTORIA GOWRI, J.

Sml

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