



W.P(MD)No.6509 of 2021

WEB CO **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.04.2024

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.6509 of 2021

and

W.M.P.(MD)Nos.5069 and 5071 of 2021

M.Geethanjali Devi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By the Secretary to Government,
School Education Department,
Fort St.George,
Chennai.
- 2.The Director of Elementary Education,
DPI Complex,
College Road, Chennai.
- 3.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 4.The District Educational Officer,
Aruppukottai,
Virudhunagar District.



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5.The Block Educational Officer – I,
Tiruchuli Block,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to promote the petitioner as Middle School Headmaster in Tiruchuli Block, Virudhunagar District by taking into consideration the petitioner's seniority in the cadre of B.T.Assistant in the light of Section 41 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.M.Sarangan

Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondent to promote the petitioner as Middle School Headmaster in Tiruchuli Block, Virudhunagar District by taking into consideration the petitioner's seniority in the cadre of B.T.Assistant in the light of Section 41 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

2.The petitioner was appointed as a BT Assistant in the fifth respondent Block on 06.09.2005. Presently he is working in Panchayat



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Union Middle School, Pulikurichi, Tiruchuli Block, Virudhunagar District. BT Assistants and Elementary School Headmasters are feeder categories to the post of Middle School Headmasters. Hence, BT Assistants were given first priority for promotion to the post of Middle School Headmasters on the basis of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Further in feeder categories, first priority is normally given to the candidates who draw higher scale of pay and if such candidates are not available, the other candidates drawing next higher scale of pay will be considered. However, the petitioner's case was not considered for promotion and hence, this Writ Petition came to be filed.

3.The fourth respondent has filed a counter and the learned Additional Government Pleader appearing for the respondents submitted that in view of G.O.Ms.No.243, School Education (EE1(1)) Department dated 21.12.2023, there would not be any further impediment to consider the case of the petitioner and the same would be duly considered in accordance with law.



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4.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and carefully perused the entire materials available on record.

5.In view of the above, this Court hereby direct the respondents to promote the petitioner as Middle School Headmasters in the light of Section 41 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and aforesaid G.O. and in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Mrn



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To

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L.VICTORIA GOWRI, J.

Mrn

Order made in
W.P(MD)No.6509 of 2021

12.04.2024