



W.P.(MD)No.17183 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17183 of 2024

The Correspondent,
Sethu Subramaniyan Middle School,
Oorkadu, Ambasamudram Taluk,
Tirunelveli District - 627 401.

... Petitioner

vs.

1.The District Educational Officer (Elementary)
Tirunelveli District
Tirunelveli.

2.The Block Educational Officer,
Ambasamudram Block,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned rejection order issued by the 1st respondent vide proceedings No.Oo.Mu.No.2066/A1/2024 dated 24.06.2024 and to quash the same and consequently direct the respondents to grant permission to fill up the post of B.T. Assistant (History).



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For Petitioner : Mr.G.Sailendra Babu
For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.G.Sailendra Babu, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned order of the first respondent in No.Oo.Mu.No.2066/A1/2024 dated 24.06.2024 and direct the respondents to grant permission to fill up the post of B.T. Assistant (History) in their School.

3. In the petitioner's School one Lakshmi who worked as a Secondary Grade Teacher retired on 28.02.2019 due to superannuation and the Secondary Grade Teacher post became vacant from then onwards. According to the petitioner School, the Secondary Grade Teacher post is



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automatically upgraded to the post of B.T. Assistant. Since the petitioner School was denied permission to fill up the B.T. Assistant (History) post, they have come up with this writ petition.

4. In the impugned order dated 24.06.2024, it has been stated that the petitioner School without getting any upgradation order has sought for permission. Even in the absence of specific upgradation order, the fact remains that in pursuant to the Government Order in G.O.Ms.No. 79, Secondary Education (U1) Department, dated 14.06.2002, from the academic year 2002-03, whenever a vacancy arises in the post of Secondary Grade Teacher, that would be automatically filled up by Middle Grade Graduate Teacher *i.e.*, B.T. Assistant in a phased manner and B.Ed. qualified teacher would be appointed in Secondary Grade Teacher scale, but with one increment.

5. It is needless to state that the Division Bench of this Court in ***W.A.(MD)No.1497 of 2017 (The Chief Educational Office and another vs. S.Josephin Vijaya and another)*** by placing reliance in the Judgment



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reported in *2018 (1) WLR 410 (The Government of Tamil Nadu and others vs. J.Remila and others)* held that once Secondary Grade Teacher post is upgraded to Graduate Teacher, then, whoever assumes charge on that vacancy would automatically get the benefit of upgradation.

6. In the instant case, the petitioner School has sought permission for upgradation of the post and the same is pending for consideration for long time. Since, upgradation is automatic, the same is applicable when a vacancy arise. So, it is unnecessary on the part of the respondents to sleep over the matter by seeking any further technical clarification. However, it is appropriate on the part of the petitioner to re-submit the proposal through appropriate channel.

7. In view of the above observations, the writ petition is **disposed of** and the petitioner School is at liberty to re-submit the proposal to the first respondent through the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, respondents are directed to consider the same and



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pass appropriate orders in accordance with law within a period of four weeks thereon. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The District Educational Officer (Elementary)
Tirunelveli District
Tirunelveli.
- 2.The Block Educational Officer,
Ambasamudram Block,
Tirunelveli District.



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R.N.MANJULA, J.

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