



W.P.(MD)No.12625 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.12625 of 2018

and

W.M.P.(MD)Nos.11499 & 11500 of 2018

K.Palanisamy

... Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.

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

3.The Joint Director (Higher Secondary)
College Road, Chennai - 600 006.

4.S.Ayyanar

5.V.Manivasagam

6.K.Rajendran

7.M.Palanivel

8.Y.Malliha

9.P.Thamizharasi

10.K.Kumaresan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.Ms.No.260, School Education (Pa.Ka.2 (1) Department dated 11.12.2017 issued by the 1st respondent and the consequent promotion panel issued by the 2nd respondent Director of School Education in Na.Ka.No.92510/W1/E1/2017 dated 11.06.2018, Quash the same and further direct the 1st and 2nd respondents herein to fill-up the posts of Higher Secondary Headmasters at the ration of 50:50 for directly recruited Post Graduate Assistants and promoted Post Graduate Assistants respectively.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.T.Amjad Khan (R1 to R3)
Government Advocate
No appearance (R7 and R8)

ORDER

The petitioner was earlier BT Assistant and now promoted to PG Assistant. According to the petitioner, only in the year 1982, the Government framed Higher Secondary Rules and the said rules governed the teachers working in the Higher Secondary Sections namely PG



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Assistants, Director of Physical Education and Higher Secondary Headmasters and prescribed criteria for appointments to the said post.

2. According to the petitioner, as per the aforementioned rules, the post of PG Assistants ought to be filled by following the ratio of 50:50, ie., 50% of the post of PG Assistants ought to be filled through direct recruitment and remaining 50% of the post of PG Assistants ought to be filled through recruitment by transfer from the post of BT Assistants working in High Schools, provided they fulfill the academic qualification.

3. The petitioner claims that he falls under the second category, namely, promoted PG Assistants. The petitioner claims that he and his association namely, Tamil Nadu Promoted Post Graduate Teachers Association, Chennai, have been giving representations to the respondents 1 to 3 for several years requesting to fix the ratio of 50:50, while giving promotion as Headmaster of Higher Secondary School ie., 50% among the directly recruited PG Assistants and 50% among the promoted PG Assistants by maintaining separate seniority list. Since the

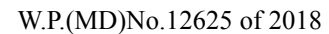


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representations as stated supra have not been considered, the petitioner has filed this writ petition challenging the impugned Government Order in G.O.Ms.No.260, School Education Department, dated 11.12.2017 amending the ratio of 2:5:2 fixed for promotion to the post of Headmaster of Higher Secondary School into 2:7 ie., 2 among the Headmasters of High School and 7 among PG Assistants (both directly recruited PG Assistants and promoted PG Assistants).

4. A counter affidavit has been filed by the respondents denying the contentions of the petitioner.

5. The learned Government Advocate appearing for the official respondents has also placed reliance on the Division Bench Judgment of this Court dated **19.12.2023** passed in ***W.P.Nos.819 of 2021 etc. batch***, in the case of ***A.Ramu and others vs. the Government of Tamilnadu and Others*** and would submit that it is made clear that the challenge to the ratio cannot be entertained. However, as seen from the said order, it is also made clear in paragraph number 12 that the order passed by the Division Bench of this Court will not in any manner



6. In view of the above, no prejudice will be caused to the respondents, if the petitioner is allowed to give a representation seeking for the relief sought for in this writ petition and a direction is issued to the respondents to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this writ petition is disposed of by granting liberty to the petitioner to give a representation to the first respondent to fill up the post of Higher Secondary Headmaster at the ratio of 50:50 for directly recruited Post Graduate Assistants and promoted Post Graduate Assistants respectively, within a period of two weeks from the date of receipt of a copy of this order. On receipt of said representation, the first respondent shall pass final orders on merits and in accordance with law, after affording reasonable opportunity to the



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authorized representative of the Tamil Nadu Promoted Post Graduate Teachers Association, Chennai, within a period of four months thereafter.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

NCC : Yes / No

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ABDUL QUDDHOSE, J.

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Order made in
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Dated:
02.09.2024