



W.P.(MD)No.19138 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19138 of 2015

and

W.M.P.(MD)No.2241 of 2016

- 1.V.L.Benin Deva Kumar
- 2.C.Senthil
- 3.G.B.Jayachitra
- 4.V.L.Sam Prince Kumar
- 5.K.Soman Nair
- 6.R.Anross
- 7.R.Soundararajan
- 8.G.Saravanan
- 9.S.Berlin Christopher
- 10.D.Rajan
- 11.C.Moorthy
- 12.R.Ashok Kumar
- 13.S.George Benet

: Petitioners

Vs.

- 1.State of Tamil Nadu,
Rep by the Secretary to Government,
Education Department,
Secretariat,
Chennai – 9.



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2.The Director of School Education,
College Road,
Chennai – 6.

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The Chief Educational Officer,
Kanyakumari District,
Kanyakumari.

5.S.Paulraj

6.S.Arulraj

7.P.Vijayagowri

8.R.Nagarathnam

9.P.Tamilselvi

10.S.Swaminathan

11.C.Jayaraman

12.S.Balasubramanian

13.K.Balasubramanian

14.T.Saraswathi

15.P.Vadivelu

16.K.Manimekalai

17.K.Chennappan

18.T.Mohanram

19.S.Meenakshi Sundaram

20.K.Sekar

21.R.Elumalai

22.V.Sundaram

23.S.Prabakaran



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24.M.Nagalingam

25.V.Gunasekaran

26.S.Annamalai

27.L.Durai

: Respondents

[R5 to R16 are impleaded vide court order dated 29.01.2016 in W.M.P.(MD)Nos.1359 & 1700 of 2016].

[R17 to R26 are impleaded vide court order dated 29.11.2022 in W.M.P.(MD)No.1004 of 2016].

[R27 is impleaded vide court order dated 29.11.2022 in W.M.P.(MD)No.3100 of 2022].

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent related to the seniority list drawn as on 01.01.2019 produced along with the Director's Letter addressed to Special Government Pleader dated 11.12.2020 on 15.12.2020 and quash the same and direct the respondent to notify the seniority list of B.T.Assistant (Promotees) and the directly recruited consolidated pay B.T.Assistant between 2002-2006 and 2011-2014 by following the ratio of 50-50 fixed between the Direct Recruits and the promotees before effecting further promotion to the post of Headmaster / Headmistress or P.G.Assistant.

[Prayer amended vide court order dated 29.11.2022 in W.M.P.(MD)No.3101 of 2022].



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For Petitioners : Mr.D.Selvanayagam

For Respondents 1 to 4 : Mr.T.Amjad Khan

Government Advocate

ORDER

When the Writ Petition was taken up for hearing, learned Counsel for the petitioners on instructions would submit that though the petitioners have challenged the impugned seniority list, the petitioners will be satisfied if they are allowed to give a representation to the second respondent to fix the ratio of 50:50 fixed between the direct recruits and the promotees, before effecting further promotion to the post of Head Master / Head Mistress or P.G. Assistants and a direction is issued to the second respondent to consider the same on merits and in accordance with law.

2.Learned Counsel appearing for the respective private respondents even though raised objections with regard to the relief sought for by the petitioners, they have not raised any serious objection if the representation of the petitioners is directed to be considered on merits and in accordance with law, after taking into consideration the interest of all the stake holders.



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3.Accordingly, this Court grants liberty to the petitioners to submit a fresh representation to the second respondent seeking for a relief as sought for in this writ petition within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.08.2024

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
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Chennai – 9.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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- 4.The Chief Educational Officer,
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Kanyakumari.



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ABDUL QUDDHOSE, J.

MR

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