



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.18040 of 2012

1. K.Pugalenth
 2. G.Tamilmaran
- ... Petitioner(s)

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 009.
 2. The Director of School Education,
College Road, Chennai – 600 006.
 3. The Joint Director of School Education,
College Road, Chennai – 600 006.
 4. Thiru Sai.Sameem Akthar
 5. Tmt.P.Nalini
 6. Tmt.S.Sridevi
 7. Tmt.R.Chitra
 8. Tmt.A.Shagira Begum
 9. Thiru X.Shijee
 10. Thiru P.Maria Pernadu Raja
 11. Thiru P.Somasundaram
- ... Respondent(s)



WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in relation to the proceedings issued in Na.Ka.No.111300/C1/E1/2011 dated 22.06.2012 and quash the same insofar as the petitioners herein are concerned, and issue consequential direction to the respondents 1 to 3 to fix the seniority of B.T. Assistants (School Assistants) appointed directly and promoted, as per Rule 35(aa) of the State and Subordinate Service Rules and as per the date of regularization and promote the petitioners as High School Headmasters, and grant all service and monetary benefits from the date on which the juniors are promoted as Headmaster, High School.

For Petitioner(s) : Mr.R.Saseetharan

For R1 to R3 : Ms.Akila Rajendran,
Government Advocate

For R4 to R11 : No appearance

ORDER

This writ petition has been filed challenging the proceedings bearing Na.Ka.No.111300/C1/E1/2011 dated 22.06.2012, whereby the seniority in the cadre of B.T Assistant (School Assistant,) appointed both directly and by way of promotion, was finalised.

2. Though notice is served on the respondents 4 and 6 to 11, no



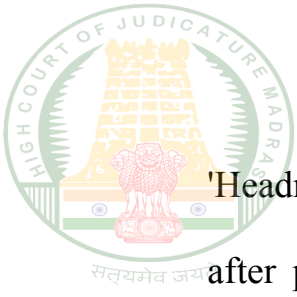
appearance entered on their behalf.

WEB COPY

3. In terms of the impugned seniority list, the petitioners herein were placed below the respondents 4 to 11 herein. The petitioners herein are persons who were promoted to the post of 'Tamil Pandit/ B.T Assistant (Tamil)' by way of promotion, whereas the respondents 4 to 11 are persons who were appointed directly to the post of 'B.T Assistant' in subjects other than Tamil. The seniority of the petitioners herein was taken into consideration only from the date on which the petitioners acquired B.Ed./ B.T qualification, instead of date of their promotion to the post of 'B.T Assistant (Tamil)' by virtue of Explanation II of Rule 2(B) of the Special Rules for the Tamil Nadu School Education Service. The said Explanation-II to Rule 2(B) of the Special Rules reads as under:-

“Explanation II – For the purpose of fixing the inter-se seniority among the categories eligible for appointment to posts of Headmasters and Headmistresses, the date of regular appointment in the cadre shall be taken into account in the case of Deputy Inspectors of Schools, School Assistants and Career Masters and the date of passing of B.T. or B.Ed., or the date of appointment of passing the B.T. or B.Ed., whichever is later, shall be taken into account in respect of other categories.”

4. By virtue of the above explanation, while determining the seniority among the persons eligible for appointment to the post of 'Headmaster' and



'Headmistress", the date of passing B.T/ B.Ed., or the date of appointment after passing B.T/ B.Ed., whichever is later, is mandated to be taken into consideration except in respect of the categories of Deputy Inspectors of Schools, School Assistants and Career Masters.

5. The validity of the said Explanation-II has fallen for consideration before this court in W.P.No.15475 of 2014 and batch and this court by order dated 09.07.2025, allowed the said batch of writ petitions, duly quashing the Explanation-II to the extent of restricting the counting of seniority only from the date of acquiring B.T/ B.Ed., and directed for counting of seniority from the date of appointment to the post of B.T Assistant (Tamil). The relevant portion from the said judgment reads as under:-

"11. Accordingly, these Writ Petitions are allowed, directing the respondents to regularise the services of the petitioners from the date of their promotion to the post of Headmaster / Headmistress and extend all other consequential benefits including monetary benefits, as expeditiously as possible, at any rate, within a period of three (3) months from the date of receipt of a copy of this Court.

12. In the result, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed."



6. In the light of the above, the very basis on which the seniority of the petitioners was taken into consideration only from the date of acquiring B.T/B.Ed., is liable to be declared as illegal.

7. In the light of the above, the impugned seniority list is required to be revised in terms of the above order passed by this court. Accordingly, this writ petition is disposed of, directing the respondents 1 to 3 to take steps for revising the seniority duly taking into consideration the date of appointment of the B.T Assistant (Tamil) as criteria and accordingly fix the seniority of the petitioners and extend all consequential benefits to which the petitioners may be entitled to in terms of their seniority, and issue necessary consequential proceedings, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions, if any, shall stand closed.

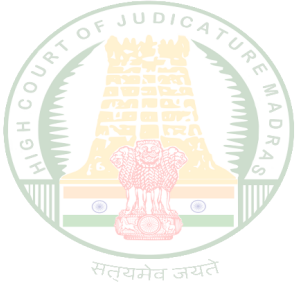
23.07.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



WEB COPY

W.P.No.18040 of



MUMMINENI SUDHEER KUMAR, J.
skr

To

1. The Secretary to Government of Tamil Nadu,
School Education Department, Fort St.George, Chennai – 600 009.
2. The Director of School Education, College Road, Chennai – 600 006.
3. The Joint Director of School Education,
College Road, Chennai – 600 006.

W.P.No.18040 of 2012

23.07.2025