



W.P.No.4154 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.4154 of 2023

and

W.M.P.No.4198 of 2023

S. Vadivelan

.. Petitioner

Versus

1. The District Elementary Educational Officer,
Kancheepuram, Kancheepuram District.
2. The Block Educational Officer,
Uthiramerur Block, Kancheepuram District.
3. Mr.M.Narayanan
Headmaster, Panchayat Union Elementary School,
Poonthandalam, Uthiramerur Block,
Kancheepuram District. Pin code:603 102
- 4.Mr.A.Silavai Andran
Headmaster, Panchayat Union Elementary School,
Kaithandalam,Uthiramerur Block,
Kancheepuram District
Pin- 603 107.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 18.01.2023 preferred against the panel of B.T.Assistant (Mathematics) issued by the second



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respondent dated 18.01.2023 in which Respondents 3 and 4 who are candidates with Cross Degrees and therefore ineligible for promotion as B.T.Assistant(Mathematics) have been placed above the petitioner and pass appropriate orders.

For Petitioner : Mr.P.Rajendran
For Respondents 1 & 2 : Mr.S.Prabhakaran
Government Advocate
For Respondents 3 &4 : No Appearance

ORDER

This petition is filed to Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 18.01.2023 preferred against the panel of B.T.Assistant (Mathematics) issued by the second respondent dated 18.01.2023 in which Respondents 3 and 4 who are candidates with Cross Degrees and therefore ineligible for promotion as B.T.Assistant (Mathematics) have been placed above the petitioner and pass appropriate orders.

2. The facts of the case is that the petitioner is working as a Headmaster in Panchayat Union Primary School and he is fully qualified for the post of B.T.Assistant (Mathematics). The third and fourth respondents have not passed the undergraduate and postgraduate degrees



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in Mathematics. The grievance of the petitioner is that inspite of the fact that this Court in W.P.No.19534 of 2018 in a batch of cases has held that candidates with cross degree are not eligible the second respondent has placed the third and fourth respondents in S.Nos.1 and 2 and placed the petitioner in S.No.3. Due to which the petitioner made a representation to the first respondent on 18.01.2023. However, there was no progress in the said representation. Hence, this petition.

3.The learned counsel for the petitioner submitted that the panel was issued on 18.01.2023 and the petitioner has made a representation on the very same day. When the petitioner has brought the said fact the first respondent ought to have taken action to rectify the mistake, which is not in the case. The first respondent has a statutory duty to rectify the said mistake. Hence, prays to allow this petition.

4. Today, when the matter is taken up for hearing the learned Government Advocate appearing for the respondent produced G.O.(Ms)No.243 on 21.12.2023 issued by The School Education, wherein the Special Rules for the Tamil Nadu Elementary Subordinate Service were framed and the relevant portion is extracted hereunder:



“15. The Government shall also consider to change its policy and shall bring the elementary Education to state Level seniority. Atleast, the Government shall consider to bring District as a Unit. If this restructuring is effected, several issues pertaining to the Elementary Education Department would be solved. Repeatedly, this Court in several Judgments has directed the Government to consider for changing the policy and bring in State as a Unit for the elementary education and till now not even a single step has been taken forward. Therefore, the Government is strictly directed to take steps to bring the Elementary Education Department under “ District Seniority” or “ State Seniority”.

3. In light of the above order of the Hon'ble High Court and in consideration of the proposal of the Director of Elementary Education, read above, the Government have decided to issue the following amendment to the Special Rules for the Tamil Nadu Elementary Education Subordinate Service to make the State as the unit of appointment in respect of all the categories in the said service. Accordingly, the Directorate of Elementary Education is directed to prepare a common statewide seniority list of the persons holding categories 1 to 3 in class II and seperate Statewide seniority lists in respect of categories 1 and 2 in class III based on the date of their regular appointment as on 31.12.2023. It is also directed that while preparing such Statewide seniority lists, none of the regular incumbents of the aforesaid categories as on 31.12.2023 shall be reverted to the post.

AMENDMENTS

In the said Special Rules-

1. In rule 2, in the tabular column, for the entries:-

(a) in column (3) against the entry “ 2



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Headmaster/Headmistress of Middle School” in column(2), the following entry shall be substituted, namely:-

“ By promotion from the categories in classII (b) in columns (2) and (3) against the entry “II” in column(1), the following entries shall, respectively, be substituted, namely:-

S.No.	(2)	(3)
1	Graduate Teacher(Tamil)	(i) By promotion from the eligible persons in category 1 of class II
2	Graduate Teacher(other than Tamil)	(or)
3	Graduate Teacher(subjects	ii) if no qualified and suitable candidate is available for promotion, by direct recruitment.”

2. for Rule 9, the following rule shall be substituted, namely;-

“9. Unit of appointment – For the purpose of appointment to any of the categories in this service the state shall be the unit of appointment.”

5. On going through the above Government Order it is made clear that the promotion will be given after preparing state wide seniority only and not based on the qualification. Hence, the plea of the petitioner can



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be considered only after preparing the State wide seniority. However, the petitioner can approach the authorities concerned, if he has any queries with regard to the implementation of the G.O.(Ms)No.243 on 21.12.2023.

6. With the above directions, this writ petition stands disposed of.
No order as to costs. Consequently, the connected miscellaneous petition is closed.

27.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



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V.BHAVANI SUBBAROYAN, J.

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