



W.P.No. 5424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 18.02.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.5424 of 2025 and
W.M.P. Nos.5972 and 5973 of 2025

J. Sivaraman

... Petitioner

VS

1. State of Tamil Nadu

Represented by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat, Chennai 600 009.

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

3. The Joint Director of School Education (Personnel)
Directorate of School Education,
DPI Campus, College Road, Chennai.

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

5. The District Educational Officer (Elementary)
Dharmapuri Education District,
Dharmapuri District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ, order, or direction more particularly a writ



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in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 4th respondent in Na.Ka.No.5276/A1/2023 dated 30.01.2025 and the subsequent impugned proceedings issued by the 5th respondent in Na.Ka.No.2176/A1/2024 dated 04.02.2025 and to quash the same and consequently directing the respondents to allow the petitioner to continue in service in the post of Junior Assistant based on the order of recruitment by transfer issued by the District Educational Officer, Dharmapuri, in Na.Ka.No.2938/A1/2013 dated 09.07.2013 with consequential and other attendant benefits.

For Petitioner : Mr. S. Nedunchezhiyan

For Respondents : Ms. S. Mythreyee Chandru
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a certiorarified Mandamus seeking records relating to the proceeding issued by the fourth respondent, Chief Education Officer, Darmapuri, dated 30.01.2025 and the subsequent proceedings issued by the fifth respondent, the District Education Officer (elementary) Darmapuri Education District, Darmapuri, dated 04.02.2025 and to quash both the same.



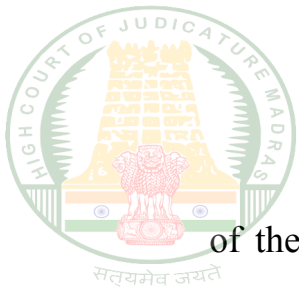
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2. The petitioner claims that he should be continued to render service as a Junior Assistant on the basis of the order of recruitment which was passed not by way of a fresh recruitment but by way of recruitment by transfer order issued by the District Educational Officer, Dharmapuri, on 09.07.2013.

3. In the affidavit filed in support of this writ petition, it has been contended that the writ petitioner had been initially appointed as a Record Clerk in the School Education Department in the year 1990. Thereafter he was appointed as a Lab Assistant under Tamil Nadu General Subordinate Service by recruitment by transfer in the year 2007. His services were also regularised and his probation has also been declared.

4. It has to be pointed out that there was no promotional avenue available for those who functioned as Lab Assistants. It is on that basis, the respondent had taken a conscious decision to appoint him further on transfer as Junior Assistant, which post has promotional avenues. But there cannot be *inter se* transfer from the post of Lab Assistant to the post of Junior Assistant. Finding this particular anomaly in the service



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of the petitioner, the impugned order came to be passed, which is now
WEB COM challenged before this Court.

5. But it is seen from a perusal of the records that such an order had been passed without affording an opportunity to the petitioner to point out his eligibility to be appointed as a Junior Assistant and also his long period of service which he had rendered as Lab Assistant and the necessity to provide him with an opportunity to being promoted to any higher post. The petitioner has a right to vent these grievances to the respondents before the respondents take a decision to revert him back to Lab Assistant. The impugned order is set aside. The respondents must give an opportunity to the petitioner before taking any decision and also provide opportunity to the petitioner to make a representation and if required, also to give a representation to be heard in person. Thereafter the respondents can take an appropriate decision. The respondents may, therefore, issue a showcause notice expressing their intention. Thereafter, on the basis of the representation / personal hearing, take further decision.



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6. The Writ Petition stands allowed. No costs. The impugned order

stands set aside with a direction to the respondents to follow the procedure in the manner known to law. W.M.P. No.5972 of 2025, which was filed to dispense with the production of the original impugned proceedings issued by the fourth respondent, stands allowed. W.M.P. No.5973 of 2025 which was filed seeking to grant an order of interim stay, stands closed.

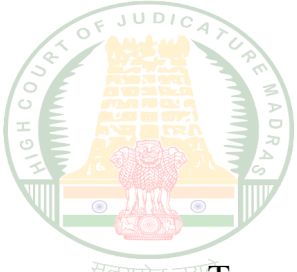
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Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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