



W.P.No.8255 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

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

W.P.No.8255 of 2023

T. Karthikeyan

.. Petitioner

Versus

1. The State of Tamil Nadu Rep. By its
Principal Secretary to Government,
Finance Department,
Fort St.George, Secretariat,
Chennai –600 009.

2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders prescribing ratio between directly recruited Post Graduate Assistant and promoted Post Graduate Assistant for promotion to the post of Higher Secondary School Headmaster based on 50:50 ratio followed to fill up the post of Post Graduate Assistant, to ensure the promoted Post



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Graduate Assistant to be considered for promotion as Headmaster before the date of retirement, in consideration of the representation submitted by the petitioner dated 11.07.2018, within a time frame to be fixed and pass orders.

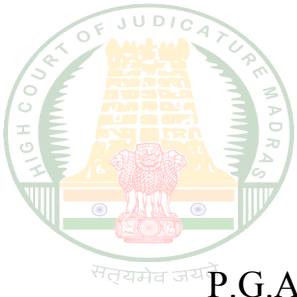
For Petitioner : Mr.J. Jayamalan

For Respondent-1 : Mr.S. Prabhakaran
Government Advocate

ORDER

This petition is filed to issue a Writ of Mandamus directing the respondents to pass orders prescribing ratio between directly recruited Post Graduate Assistant and promoted Post Graduate Assistant for promotion to the post of Higher Secondary School Headmaster based on 50:50 ratio followed to fill up the post of Post Graduate Assistant, to ensure the promoted Post Graduate Assistant to be considered for promotion as Headmaster before the date of retirement, in consideration of the representation submitted by the petitioner dated 11.07.2018, within a time frame to be fixed and pass orders.

2.The facts of the case is that the petitioner is working as a



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P.G.Assistant in a Government School and the next avenue for promotion is to the post of Headmaster in Higher Secondary School Headmaster. The sum and substance of the case is that as per Rules the said Headmaster post to be filled up by recruitment by transfer from Category-X, Class(2) of Tamil Nadu Educational Service – District Educational Officer and by promotion from Class-2 of the service viz., P.G.Assistant working in Higher Secondary School. It is stated that there was a ratio fixed as 2:7 between Higher Secondary School Head Master and P.G.Assistant/Physical Director. The grievance of the petitioner is that the direct recruits of P.G.Assistant getting appointment in younger age, if promoted as Headmaster of Higher Secondary School, having longer period of service, but the persons promoted from P.G.Assistant having lesser period of service. Hence, the petitioner has given a representation to the respondents on 11.07.2018 to the respondents to modify the ratio as 50:50 and the same has not been considered till date, which has given rise to this petition.

3. The learned counsel appearing for the petitioner submitted that



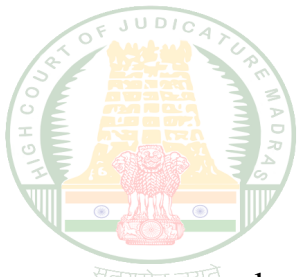
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there are number of Post Graduate Assistants who had even retired without even a single promotion. It is also stated that promotional opportunities have to be properly given and the cadre strength has to be considered for fixing the ratio between the two categories, the present ratio which is fixed by the impugned rule is arbitrary and is accordingly liable to be struck down and the respondents are liable to re-fix the same. Hence, it is just and necessary to modify the ratio as 50:50 from the ratio 2:7 between the High School Headmaster and P.G.Assistant. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the respondents have filed a counter affidavit, wherein, it has been stated that the issue involved in this writ petition has already been dealt in a batch of cases in W.P.No.819 of 2021 etc., dated 19.12.2023 wherein, it has been held that whenever, the respondents take up the exercise of revisiting the quota, the writ petitioners are at liberty to make representations

5. I have given anxious consideration to either side submissions



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and perused the materials available on record.

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6. Before advertng further it would be relevant to go through the Rule 2b(i) of Tamil Nadu Higher Secondary Education Service Special Rules G.O.Ms.No.14, S.E.Dept, Dt 30.01.2020 and the same is extracted below:-

2(b) Vacancies arising in Class I of the service shall be filled up so as to ensure that the proportion of appointment in the service in the said Class by recruitment by transfer and by promotion from categories of Class II and Class III taken together respectively be in the ratio of 2:7 and the cycle for such appointment shall be as follows:

1	<i>By recruitment by transfer from Class V of the Tamil Nadu School Educational Service (Headmaster/Headmistress of Government High Schools)</i>	<i>01</i>
2	<i>By Promotion from Class II and Class III</i>	<i>01</i>
3	<i>By Promotion from Class II and Class III</i>	<i>01</i>
4	<i>By Promotion from Class II and Class III</i>	<i>01</i>
5	<i>By recruitment by transfer from Class V of the Tamil Nadu School Educational Service (Headmaster/Headmistress of Government High Schools)</i>	<i>01</i>
6	By Promotion from Class II and Class III	01
7	By promotion from Class II and Class III	01
8	By Promotion from Class II and Class III	01
9	By Promotion from Class II and Class III	02



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7. This Court while dealing with the identical facts of the case in W.P.No.819 of 2021 etc., has held that whenever, the respondents take up the exercise of revisiting the quota, the writ petitioners are at liberty to make representations and the relevant portion is extracted hereunder:

“13(1) Rule 2(b) (i) Special Rules for Tamil Nadu Higher Secondary Educational Institutions comprised in G.O.14, School Education Department dated 30.01.2020 in so far as the fixation of ratio of 2:7 among the feeder categories for appointment to the post of Higher Secondary Headmaster is declared as valid and in accordance with law”.

(ii) It would be open for the respondents 1 to 3 periodically revisit or review the quota between the feeder categories by taking into account the relevant factors and all the writ petitioners will be at liberty to make representations, whenever the respondents 1 to 3 take up the exercise of revisiting the quota and grievances of both sides can also be taken into account, while re-doing the exercise.

8. In view of the above facts and on a perusal of the above Judgments passed by this Court with regard to identical facts of the case it is made clear that whenever, the respondents take up the exercise of revisiting or reviewing the quota between the feeder categories and the direct recruits, the petitioners can make their representation with regard



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to the prayer sought for by the petitioner. Hence, the prayer sought for by the petitioner cannot be considered at this stage.

9. For the foregoing reasons this Court is not inclined to accept the contentions of the petitioner as the same is devoid of merits. Hence, this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. However, the petitioner is at liberty to make the representations with regard to the prayer sought for by the petitioner whenever, the respondents take up the exercise of revisiting or reviewing the quota.

06.02.2025

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

1.The Principal Secretary to Government,
Finance Department,
Fort St.George, Secretariat,
Chennai – 9.



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2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
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V.BHAVANI SUBBAROYAN, J.

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