



WEB COPY



W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 19.03.2025

DELIVERED ON: 21.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. Nos.9011 and 32351 of 2022

W.P. Nos.903 & 9023 of 2023

and

W.P. Nos.16897, 25645 and 32612 of 2024

and

W.M.P. Nos.8816 & 8817 of 2022

W.M.P. No.31741 of 2022

W.M.P. No.881 of 2023

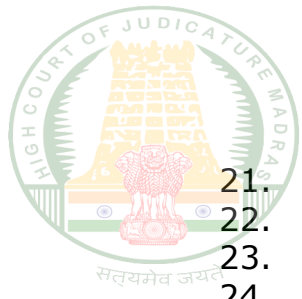
W.M.P. No.9154 of 2023

W.M.P. No.18590 of 2024

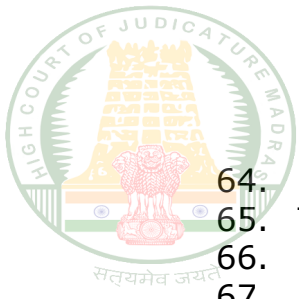
W.M.P. No.28010 of 2024

W.P.No.9011 of 2022:

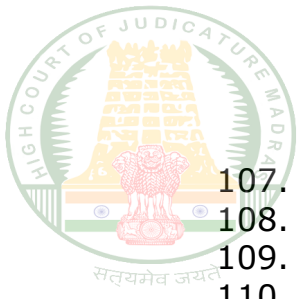
1. L.S. Churchil Chinnaiah
2. M. Selvarajan
3. P. Nagalakshmi
4. R. Megala
5. M. Kavitha
6. E. Shakunthala
7. S. Saraswathi
8. D. Vijayalakshmi
9. R. Hemavathi
10. P. Venkatesan
11. R. Saravanan
12. V. Thenmozhi
13. K. Ramar
14. J. Seyed Mohudoom Beevi
15. K. Sutha
16. V. Kohilavani
17. B. Dhandapani
18. V. Murugalakshmi
19. P. Mariammal Paramasivan
20. G. Gnanaprathayini



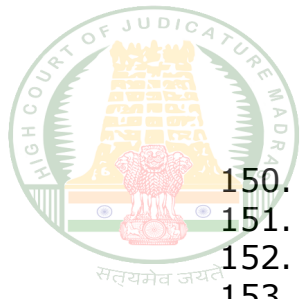
21. S. Sumathi
22. M. Nalini
23. P. Magheshwari
24. R. Padmavathy
25. S. Priyanka
26. R. Aruna
27. K. Parimala
28. N. Thambuswamy
29. G. Mathavaraj
30. J.P. Ravi
31. S. Preetha
32. K. Sulochana
33. M. Thangadurai
34. A. Amutha
35. R. Anbu
36. M. Janaki
37. N. Usharani
38. R.K. Merlin Rajini
39. N. Deepa
40. K.C. Janani
41. K. Muppithathi @ Selvarani
42. S. Uma Maheswari
43. M. Ganesan
44. K. Gayathri
45. M. Subramani
46. G. Rosita Rexalin
47. V. Kavitha
48. T. Anandhi
49. J. Indumathi
50. A. Rameshkumar
51. G. Vinoth Kumar
52. N. Vijayamala
53. M. Subramani
54. J.R. Srinivasan
55. A. Muthuameena
56. K. Udhayakumar
57. S. Soundararajan
58. P.S. Thyagarajan
59. A. Nirmala
60. K. Jayaguru
61. S. Michel
62. T. Ganesan
63. V. Buvareshwari



64. P. Krishna Poongothai
65. T. Livingta
66. R. Umagowri
67. A. Raju
68. B. Raveendiran
69. P.G. Saranbabu
70. V. Anitha
71. D. Radha
72. S. Deepa
73. P. Kokila
74. S. Malarselvi
75. K. Sekar
76. P. Anbarasu
77. M. Kanagasabapathy
78. M. Sathiyakeerthi
79. A. Kasinathan
80. H. Mohamedumar
81. M. Pragadeeswaran
82. C. Thaiyalnayaki
83. K. Conceilia
84. C. Vijayalakshmi
85. S. Amutha Rajeswari
86. N. Venkatalakshmi
87. N. Somasundaram
88. R. Jayabarathi
89. B. Jaya Sutha
90. G. Kalpana
91. V. Kanagaraj
92. T. Murugesan
93. C.S. Thirunavukkarasu
94. B. Mariarosalin
95. M. Karthika
96. D. Jeyaraj
97. U. Marishabegaum
98. S. Barani
99. S. Nishanthi
100. M. Boomah Devi
101. P. Senthilkumar
102. K. Arunnehr
103. V. Kalaiselvan
104. C. Maruthuraj
105. S. Sivagami
106. K. Shabina Banu



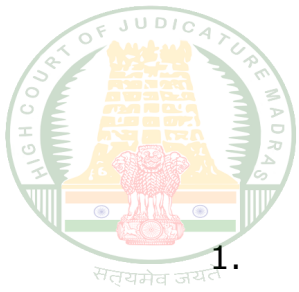
107. T. Geetha
108. A. Saravanakumar
109. J. Sebastin Anbu Raj
110. S. Silambuselvi
111. D. Chitra
112. S. Sathiya
113. S. Balamurugan
114. C. Thambidurai
115. P. Rajini
116. A. Mohamed Appas
117. P. Srividhya
118. G. Umamaheswari
119. M. Kalaiyarasi
120. U. Arulanandham
121. M. Muthukrishnan
122. M. Shanbagavalli
123. S. Uthirapathi
124. N. Purushothaman
125. G. Raja
126. R. Gowri
127. L. Balaji
128. P. Rajkumar
129. K. Maheswari
130. K. Sudhamathi
131. P. Kavitha
132. R. Tamilarasi
133. P. Prema
134. R. Manikandan
135. A. Bharathi Lakshmi
136. J. Dhanalakshmi
137. L. Rajalakshmi
138. T. Anbahagan
139. R. Vetriseivan
140. A. Ezhilarasi
141. P. Ramalakshmi
142. V. Navaneeth
143. K. Gowri
144. R. Mahesh
145. S. Jareen Banu
146. K. Kannan
147. N. Prema
148. S. Sumathi
149. R. Sangeetha



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150. A. Gnana Rosy
151. K. Menaka
152. R. Selvakumar
153. G. Lakshmi
154. M. Arulmozhi
155. R. Saranraj
156. S. Suseela
157. R. Govindarasu
158. V. Malarvizhi
159. N. Jayanthi
160. M. Kalpana
161. T. Nithya
162. P. Sumathi
163. A. Pushparaju
164. S. Syed Yusuff
165. K.R. Ganesan
166. R. Selvamani
167. P. Thangamani
168. P. Rajkumar
169. P. Tharani
170. K. Jegatheeswari
171. N. Senthilkumar
172. B. Meenasaranya
173. A. Usha
174. G. Sangareswari
175. N. Veerasamy
176. S. Kamalasridevi
177. R. Tamil Selvi
178. B. Esakkimuthu
179. D.M. Rama
180. R. Shrijayanthi
181. K. Kalaivani
182. T. Ganga Parameswari
183. M. Brammasakthi
184. S. Amuthalakshmi
185. L. Raveendra Kumar
186. P. Kalaichelvi
187. M. Krishna Moorthy
188. R. Selvaraj
189. S. Jothi
190. S. Rathivinaisha
191. P. Kuppuraj
192. K. Senthil Sevugapandian

Petitioners



VS.

WEB COPY

1. The State of Tamil Nadu
represented by Principal Secretary to Government
School Education Department
Fort St. George
Chennai 600 009
2. The Commissioner of School Education
DPI Campus
College Road
Chennai 600 006
3. The Joint Director of School Education (Personnel)
(Higher Secondary)
DPI Campus
College Road
Chennai 600 006

Respondents

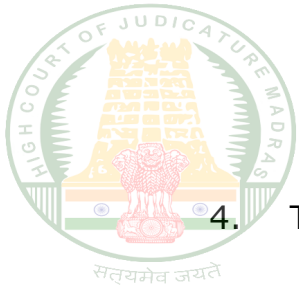
W.P.No.32351 of 2022:

M. Alaudeen Basha

Petitioner

VS.

1. The State of Tamil Nadu
represented by Principal Secretary to Government
School Education Department
Fort St. George
Chennai 600 009
2. The Commissioner of School Education
DPI Campus
College Road
Chennai 600 006
3. The Joint Director of School Education (Personnel)
(Higher Secondary Education)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006



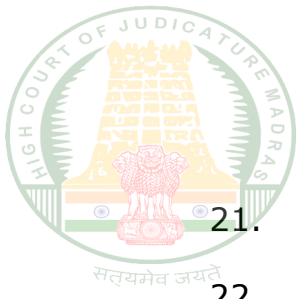
WEB COPY

4. The Joint Director of School Education (Personnel)
(High School Education)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006

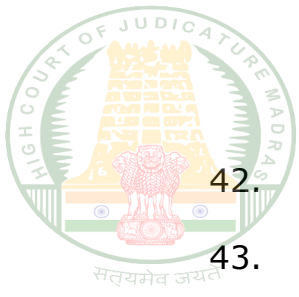
5. J. Prabahar
6. M. Nagoormeera
7. V. Tamilarasan
8. R. Nandhini
9. D. Kavitha
10. M. Rathinam
11. R. Kanagaraj
12. V. Gopinath
13. J. Vignesh

(RR 5 to 13 impleaded *vide*
order dated 19.03.2025 in
W.M.P.No.5662 of 2025)

14. M. Sangeetha
15. M. Katthirvel Pandian
16. S. Siva Sankar
17. D. Kavitha
18. M. Shankar
19. N. Soniya Gandhi
20. B. Sharmila



21. P. Senbagam
22. A. Aravind
23. A. Murugalakshmi
24. S. Thandavan
25. G. Annadurai
26. P. Prabhudhevan
27. K. Silambarasan
28. I. Arputha Gnana Jeya
29. S. Gobika
30. K. Sivasankari
31. K. Valarmathi
32. E. Babu
33. P. Thirunavukkarasu
34. R. Revathi
35. S. Elamathy
36. S. Ismail
37. S. Shalini
38. S. Devi
39. D. Sathiya
40. K. Vanitha
41. B. Hemamalini

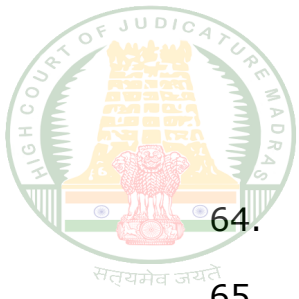


W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



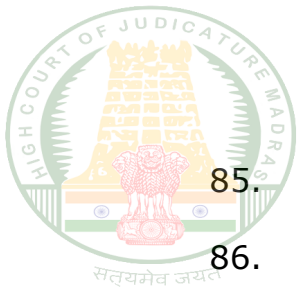
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42. M. Ramachandiran
43. T. Kavitha
44. B. Silambarasan
45. Daicy Sucila
46. R. Elakkiya
47. P.M. Barathi
48. N. Suriya
49. P. Jothimani
50. A. Palanisamy
51. A. Nallasivam
52. S. Geetha
53. P. Sharmila
54. S. Prakasam
55. M. Tamilselvi
56. G. Manikumar
57. S. Gomathi
58. Brinert S. Sweetlin
59. M. Suganya
60. S. Martina Jeya Priya
61. E. Ananthan
62. N. Udayakumar
63. Indirakumari



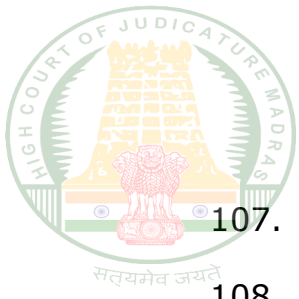
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64. S. Saravanan
65. R. Sangeetha
66. G. Prabu
67. A. Senthilkumar
68. M. Bakkiyaraj
69. S. Reka
70. G. Krishnaveni
71. S. Velmurugan
72. P. Lavanyaa
73. M. Siva
74. N. Chinnadurai
75. K. Chellathambi
76. A. Paramasivam
77. R. Parthiban
78. S. Parimala
79. V. Veddiyappan
80. V. Gobinath
81. B. Vijayapandian
82. K. Ramesh
83. P. Kkala
84. S. Kanagavalli



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85. M. Priya
86. R. Syed Ali Fathima
87. R. Umashankar
88. P. Prema
89. G. Sathik Basha
90. V. Dhanabal
91. D. Naresh Kumar
92. G. Murugan
93. R. Anbarasu
94. M. Saminathan
95. N. Gayathri
96. G. Anbarasan
97. V. Suguna
98. G. Sadayan
99. Leo Paul Raj
100. N. Deepa
101. A. Safina Begum
102. M. Kalaiselvi
103. M. Rameshkumar
104. P. Palanivel
105. A. Padmapriya
106. B. Kanimozhi

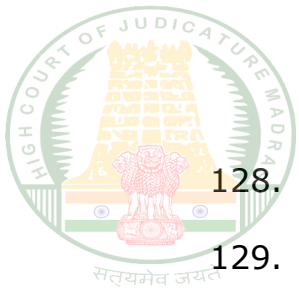


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W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



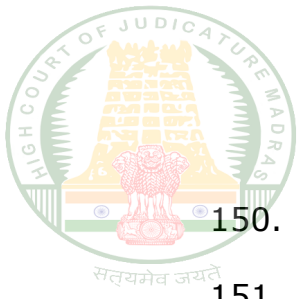
107. V. Pazhaniyammal
108. K. Gowsigan
109. S. Imamun Sagubar Saathik Ali
110. K. Sumathi
111. R. Savithri
112. K. Kavitha
113. P. Kavitha
114. C. Kayalvizhi
115. S.B. Razia Banu
116. S. Kumaresan
117. G. Jeyaabinaya
118. S. Paranjothi
119. A. Ananthi
120. S. Gomathi
121. S. Aarthi
122. K. Vedi
123. C. Theerthagiri
124. G. Johnson
125. N. Ravi
126. Ajitha Jency
127. G. Palaniyappan



W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



128. T. Aruldevi
129. K. Bharathiraja
130. M. Bakiymani
131. V.P.K. Kaleeswari
132. C.S. Uma Mageshwaari
133. R. Keerthana
134. K. Sheela
135. R. Rajarajan
136. B. Subha
137. M. Saminathan
138. T. Gousalyadevi
139. R. Revathi
140. N. Vanitha
141. A. Poovarasan
142. S. Sudarmathi
143. R. Suganya
144. T. Thilagavathi
145. B. Manimaran
146. V. Banumathi
147. L. Krishnan
148. K. Indumathy
149. A. Prameela



W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2

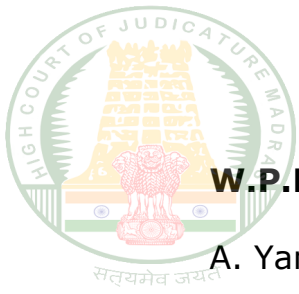


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150. S. Rajeshwari
151. S. Sujatha
152. M. Saranya
153. M.S. Bhanu
154. N. Elangovan
155. A. Vimala
156. C. Sudhahar
157. M. Seenuvasan
158. J. Rajkumar
159. J. Lokeshwaran
160. S. Clara Gnana Sundari
161. D. Devarajan
162. M. Shanmugam
163. K. Sudha
164. B. Kanimozhi
165. D. Kavitha
166. B. Rathika
167. Abisega
168. G. Umamaheswari
169. P. Shakunthala

Respondents

(RR 14 to 169 impleaded *vide* order dated 19.03.2025 in W.M.P.No.8688 of 2025)



W.P.No.903 of 2023:

A. Yamuna

Petitioner

vs.

WEB COPY

1. The State of Tamil Nadu
represented by Principal Secretary to Government
School Education Department
Fort St. George
Chennai 600 009
2. The Commissioner of School Education
DPI Campus
College Road
Chennai 600 006
3. The Joint Director of School Education (Personnel)
(Higher Secondary Education)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006
4. The Joint Director of School Education (Personnel)
(High School Education)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006

Respondents

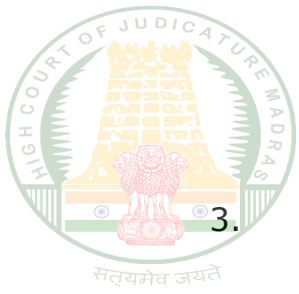
W.P.No.9023 of 2023:

K. Balaji

Petitioner

vs.

1. The State of Tamil Nadu
represented by Principal Secretary to Government
School Education Department
Fort St. George
Chennai 600 009
2. The Commissioner of School Education
DPI Campus
College Road
Chennai 600 006



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W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



3. The Joint Director of School Education (Personnel)
(Higher Secondary)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006
4. The Joint Director (Personnel)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006

Respondents

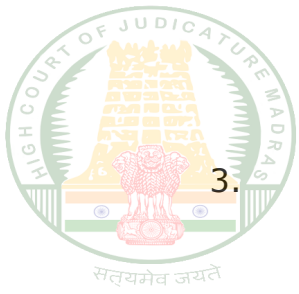
W.P.No.16897 of 2024:

1. S. Barani
2. S. Nishanthi
3. R. Saravanan
4. R.Balaji
5. C. Thaiyal Nayaki
6. P.S. Thiyagarajan
7. R.K. Merlin Rajini
8. R. Uma Gowri
9. S. Jothi
10. S. Meenakshi
11. N. Deepa
12. M. Karthika

Petitioners

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



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W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



3. The Member Secretary
Teachers Recruitment Board
DPI Campus
College Road
Chennai 600 006

Respondents

W.P.No.25645 of 2024:

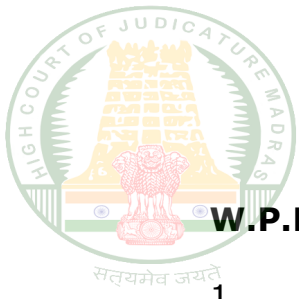
1. M. Selvarajan
2. E. Vijayaraj
3. P. Mageshwari
4. G. Jayanthi
5. S. Malarselvi

Petitioners

vs.

1. The State of Tamil Nadu
represented by its
Principal Secretary to Government
School Education Department
Fort St. George
Chennai 600 009
2. The Director
Directorate of School Education
DPI Campus
College Road
Chennai 600 006
3. The Joint Director of School Education
(Higher Secondary)
Directorate of School Education
DPI Campus
College Road
Chennai 600 006
4. The Joint Director (Personnel)
Directorate of School Education
DPI Campus, College Road, Chennai 600 006
5. Teachers Recruitment Board (TRB)
represented by its Member Secretary
IV Floor, DPI Campus
College Road
Chennai 600 006

Respondents



W.P.No.32612 of 2024:

1. M. Thangadurai
2. M. Ramya
3. K. Maheswari
4. K. Umadevi

Petitioners

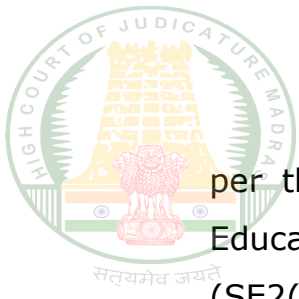
vs.

1. The State of Tamil Nadu
represented by its
Principal Secretary to Government
School Education Department
Fort St. George
Chennai 600 009
2. The Director of School Education
DPI Campus
College Road
Chennai 600 006
3. The Teachers Recruitment Board
represented by its Secretary
IV Floor
DPI Campus
College Road
Chennai 600 006

Respondents

Prayer in W.P.No.9011 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents to reserve 361 posts of PG Assistants coming under the Tamil Nadu Educational Subordinate Service and 800 posts of BT Assistants coming under the Tamil Nadu Elementary Educational Subordinate Service constituting 2% of the vacancies in the post of PG Assistants and BT Assistants for appointment by recruitment by transfer from among Superintendent, Assistants and Junior Assistants who are working in the Tamil Nadu Ministerial Service in School Education Department as



per the amendment to the Special Rules to the Tamil Nadu Higher Education Service introduced by G.O.Ms.No.14, School Education (SE2(1)) Department dated 30.01.2020 and G.O.Ms.No.12, School Education (EE1(1)) Department dated 30.01.2020 by releasing a yearwise panel for backlog vacancies and call the staff from Tamil Nadu Ministerial Service for counselling for filling up the said vacancies in the post of P.G. Assistants and B.T. Assistants.

Prayer in W.P.No.32351 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents 2 to 4 to call the petitioner who is working in the Tamil Nadu Ministerial Service as Assistant for counselling and appoint the petitioner to the post of Post Graduate Assistant coming under the Tamil Nadu Educational Subordinate Service out of the 2% of the vacancies in the post of Post Graduate Assistants by recruitment by transfer as per the amendment to the Special Rules to the Tamil Nadu Higher Education Service introduced by G.O.Ms.No.14, School Education (SE2(1)) Department dated 30.01.2020 and G.O.Ms.No.12, School Education (EE1(1)) Department dated 30.01.2020 issued by the first respondent.

W.P.No.903 of 2023:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 to 4 to call the petitioner who is working in the Tamil Nadu Ministerial Service as Junior Assistant for counselling and appoint the petitioner to the post of Computer Instructor Grade I coming under the Tamil Nadu Educational Subordinate Service out of the 2% of the vacancies in the



post of Computer Instructor Grade – I by recruitment by transfer as per the amendment to the Special Rules to the Tamil Nadu Higher Education Service introduced by G.O.Ms.No.14, School Education (SE2(1)) Department dated 30.01.2020 and G.O.Ms.No.12, School Education (EE1(1)) Department dated 30.01.2020 issued by the first respondent.

Prayer in W.P.No.9023 of 2023:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the third respondent to amend the proceedings having Ref. No.13006/W2/E1/2023 dated 14.03.2023 by ensuring that the list of staff in the Tamil Nadu Ministerial Service eligible for promotion as Post Graduate Assistants are also sent to the third respondent for being appointed as Post Graduate Assistants against the 361 posts of Post Graduate Assistants pending to be filled up by the staff in the Tamil Nadu Ministerial Service as per G.O.Ms.No.21, School Education (Me.Ni.Ka.2) Department dated 02.11.2011 under which 2% of the substantive vacancies in the post of Post Graduate Assistants have to be filled up with eligible candidates from Ministerial Service (Superintendents, Assistants/Steno Typists and Junior Assistants/Typists).

Prayer in W.P.No.16897 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from making direct recruitment to the Post of Graduate Teacher (Subjects) pursuant to Notification No.03/2023 dated 25.10.2023 followed by Addendum



Notification No.03A/2023 dated 15.11.2023 and another Addendum Notification No. 03B/2023 dated 17.05.2024 issued by the 3rd respondent or by promotion without compliance of statutory requirements of filling up of 2% vacancies earmarked for eligible persons in Ministerial Service in School Education Department by recruitment by transfer to the Post of B.T. Assistant in accordance with Special Rules for Tamil Nadu School Education Subordinate Service with service protection based on year-wise panel from the panel year 2014 in consideration of representation submitted by the petitioner within a time frame.

W.P.No.25645 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to prepare panel in respect of 2% vacancies reserved for non-teaching staff in School Education Department from the year 2014 in accordance with G.O.Ms. No.175 School Education (M2) Department dated 19.07.2007 and Special Rules for Tamil Nadu School Education Subordinate service including for the panel year 2020-21 by taking into account that it is with retrospective effect from 19.07.2007 by preparing the number of vacancies for each year from the year 2011 for the purpose of filling up 2% of the vacancies in the post of BT Assistants by recruitment by transfer from amongst the qualified non-teaching staff and accordingly, call for the names of the petitioners and grant them with appointment to the post of BT Assistants first, before resorting to fill up the vacancies in the post of BT Assistants through direct recruitment pursuant to the notification no.3/2023 dated 25.10.2023 direct recruitment of Graduate Teacher/Block Resource Teacher Educators (BRTE)-2023 issued by Teachers Recruitment Board.



W.P.No.32612 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to implement Rule 2 dealing with Appointment to the post of Graduate Teacher under the category of recruitment by transfer under the Special Rules for the Tamil Nadu School Educational Subordinate Service issued *vide* GO Ms. No. 13 School Education (S.E.3 (1) dated 30.01.2020 and to appoint the petitioners on recruitment by transfer from Tamil Nadu Ministerial Service for the vacancies which have arisen from the year 2007 onwards till date without recourse to any competitive examination but on the basis of seniority and eligibility of having passed the Teachers Eligibility Test.

For petitioners in W.P.Nos.903 and 9023 of 2023 and 32351/2022

Mrs. Nalini Chidambaram
Sr. Counsel for Mrs. C. Uma

For petitioners in W.P.No.16897/2024

Mr. G. Sankaran, Sr. Counsel
for Mr. S. Nedunchezhiyan

For petitioners in W.P.No.25645 2024

Mr. R. Rajarajan

For petitioners in W.P.Nos.32612 of 2024 and 9011 of 2022

Mrs. Kavitha Rameshwar

For RR 1 to 4 in W.P.Nos.25645 of 2024, 32351 of 2022, 903 and 9023 of 2023 and
for RR 1 & 2 in W.P.Nos.16897 of 2024 and 32612 of 2024 and all respondents in W.P.No.9011 of 2022

Mr. P.S. Raman, Adv. General
assisted by
Mrs. S. Mythreye Chandru
Spl. Govt. Pleader (Education)

For R3 in W.P.Nos.16897 of 2024 and 32612 of 2024 and R5 in W.P. No.25645 of 2024

Mr. R. Neelakandan
Additional Advocate General
assisted by
Mr. C. Kathiravan
Standing Counsel

For RR 5 to 169 in W.P.No.32351 of 2022

Mrs. G. Selvi George

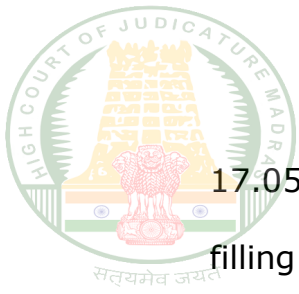


COMMON ORDER

The issue involved in all these writ petitions pertains to filling up of 2% vacancies that are meant for the Ministerial staff (non-teaching staff) as per the Special Rules for the Tamil Nadu School Educational Subordinate Service, to the post of B.T. Assistant and P.G. Assistant from the year 2007-2008 to 2024-2025.

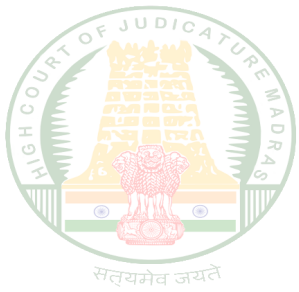
2. The petitioners in W.P.No.16897 of 2024 are claiming for the 2% vacancies to the post of B.T. Assistants. The petitioners in W.P.No.9011 of 2022 cover the aspirants for both B.T. Assistants and P.G. Assistants. The petitioners in W.P.No.32612 of 2024 are aspirants for B.T. Assistant post. The petitioners in W.P.No.32351 of 2022, 903 of 2023 and 9023 of 2023 are aspirants for the post of P.G. Assistant. The petitioners in W.P.No.25645 of 2024 are aspirants to the post of B.T. Assistant.

3. The common grievance that was expressed by all the petitioners is that right from the year 2014-2015 onwards, not even on a single occasion, the 2% reservation that was earmarked for eligible persons in the Ministerial service in the School Education Department was filled up. While so, a notification dated 25.10.2023 followed by an addendum dated 15.11.2023 and another addendum dated



17.05.2024 came to be issued by the Teachers Recruitment Board for filling up of vacancies to the post of Graduate Teachers /Block Resource Teacher Educators (BRTE) through direct recruitment. While undertaking this exercise, an attempt was made to fill up all the vacancies through direct recruitment without considering the entitlement of the petitioners under the 2% reservation earmarked for Ministerial staff. The further grievance expressed by the petitioners is that earlier, writ petitions were filed before this Court in W.P.Nos.4756 of 2021, 10188 of 2021 and 14928 of 2021 seeking preparation of a panel in respect of 2% vacancies reserved for Ministerial staff in the School Education Department for promotion to the post of B.T. Assistant and P.G. Assistant. All these writ petitions were allowed/disposed of by three separate orders, all dated 23.07.2024, and directions were given to ascertain the number of vacancies filled up since 2007 by way of promotion and to fill up the available vacancies till 2020. This direction was also not complied with by the respondents and instead, they went ahead with the process of direct recruitment to fill up the vacancies in the post of B.T. Assistant/Graduate Teacher.

4. When these writ petitions came up for hearing on 01.10.2024, the following order was passed by this Court:



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W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



"Pursuant to the earlier order passed on 26.09.2024, the matter was posted for hearing today.

2. The counter affidavit has been filed by the 2nd respondent. It is seen from the counter affidavit that from the year 2014-15, the number of posts earmarked for 2% promotion for ministerial staffs works out to 130 posts up to 2024-25. This is for promotion to the post of Graduate Teacher/B.T. Assistant. On going through the counter, it is seen that the respondents have now decided to await for the final orders in the pending Special Leave Petition before the Apex Court filed against the order passed by the Division Bench in W.A.No.313 of 2022 batch dated 02.06.2023. That apart, it is also mentioned in the counter that steps are being taken to file writ appeal against the orders passed in W.P.Nos.4756 of 2021, 10712 of 2021 and 10188 of 2021.

3. Even during the previous hearing, this Court found that it will be unreasonable not to consider the claim made by the petitioners and others falling under 2% category and to permit the respondents to proceed further to fill up the post through direct recruitment. This issue has been lingering for quite a long time and in the case of the petitioners, they all are TET qualified. Therefore, the pending Special Leave Petition will have no bearing insofar as the relief sought for by the petitioners. This Court has already directed the respondents not to fill up the vacancies in the post of B.T. Assistants. Considering the larger ramification involved, the learned Special Government Pleader submitted that the opinion has been sought for from the learned Advocate General and that steps are being taken to engage the learned Advocate General in this case.

4. In the light of the above, post these writ petitions at the end of the motion list on 17.10.2024. In the meantime, interim order passed by this Court on 26.09.2024 shall continue."

5. The matter was once again listed for hearing on 23.10.2024 and the following order came to be passed by this Court:

"Pursuant to the earlier order passed by this Court on 18.10.2024, these writ petitions were listed for hearing today.

2.The learned Advocate General handed over the affidavit of the 2nd respondent. The relevant portions are extracted hereunder:



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W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2

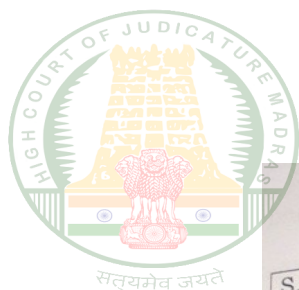


"8. It is further submitted that due to gradual steep decrease in the students' strength, the surplus teachers were being identified year to year and the deployments of surplus teachers to the needy schools were carried out by way of state wide counselling, for the period from the year 2017-2018 to 2021-2022. Since the surplus teachers, so deployed were more than the available vacancies, there was no need to prepare estimate of vacancy for the post of Graduate teachers from 2017-2018 to 2022-2023. The details of surplus teachers, having been deployed so, are tabulated in TABLE-2 herein below:

TABLE-2						
Year	Subject wise Re-deployments of Surplus BT Assistants.					
	BT(Tamil)	BT(English)	BT(Maths)	BT(Science)	BT(Social Science)	Total Re-deployed Surplus Teachers
2017-2018	448	313	187	506	615	2069
2018-2019	341	243	179	360	423	1546
2019-2020 & 2020-2021	Due to the Covid-19 Pandemic, the Staff fixation was not carried out due to non- Functioning of the Schools					
2021-2022	314	493	999	822	383	3011
Total	1103	1049	1365	1688	1421	6626

9. It is further submitted that subsequently, due to increase in students' strength, when the estimate vacancy for the year 2023-24 and 2024-25 was issued, there are 2162 and 975 estimated vacancies in BT Assistants' posts respectively, earmarked for promotion. However, the said vacancies could not be filled up by way of promotion for wantage of Teacher Eligibility Test as per the orders of the Division Bench of this Hon'ble Court dated 02.06.2023 made in W.A.No.313 of 2022, etc., batch.

10. It is further submitted that the details of vacancies filled up by way of promotion up to the year 2016-2017 and the 2% vacancies earmarked for 2% reservation for ministerial staff is tabulated in Table-3 herein below:-

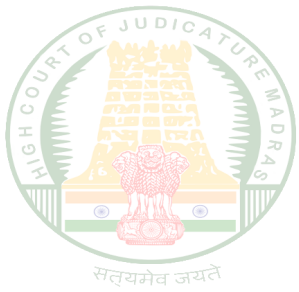


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TABLE-3

S.L.No.	Year	Estimated Vacancies for promotion		Total	2% Estimated Vacancies for Ministerial Staff	Remarks
		Other subject	Tamil			
1	2007-2008	1458	505	1963	39	Filled up by Ministerial Staff (2% recruitment by way of Transfer)
2	2008-2009	1174	720	1894	38	
3	2009-2010	485	896	1381	28	
4	2010-2011	529	682	1211	25	
5	2011-2012	971	790	1761	36	
6	2012-2013	915	1191	2106	43	
7	2013-2014	329	203	532	11	
Total		5861	4987	10848	220	To be filled up by Ministerial Staff (2% recruitment by way of Transfer)
8	2014-2015	368	175	543	11	
9	2015-2016	189	183	372	8	
10	2016-2017	471	140	611	13	
11	2023-2024	1361	801	2162	43	
12	2024-2025	707	268	975	20	
Total		3096	1567	4663	95	

11. It is further respectfully submitted that while the facts being so, Writ Petitions were filed in W.P.No.4756 of 2021, W.P.No. 10712 of 2021 and W.P.No. 10188 of 2021 before this Hon'ble Court, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent in Na Ka. No. 055712/C3/E2/2021 dated. 10.02.2021 and to quash the same and consequently directing the respondents to prepare the panel in respect of 2% Vacancies reserved for Non-Teaching Staff in School Education Department from the year 2014 in accordance with G.O. (Ms) No. 175 School Education (M2) Department dated. 19.07.2007 and Special Rules for Tamil Nadu School Education Subordinate Service including for the panel year 2020-21, before finalizing the panel for promotion to the post of B.T.Assistant from the category of Secondary Grade



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Teacher. The Hon'ble High Court passed the following orders on 23.07.2024 in the above writ petitions:

"12. The respondents are further directed to ascertain the number of vacancies filled up since 19/07/2007 to the posts of School Assistant - Graduate Teacher by way of promotion and ascertain 2% of such posts. and fill up the said 2% posts by considering the Ministerial staff working in School Education Department by way of appointment by transfer in accordance with G.O.Ms. No. 7 School Education Department dated 20/01/2020 till 29/01/2020 and thereafter to consider the claims of the said Ministerial staff for appointment by transfer to the posts of Graduate Teacher in terms of G.O.Ms. No. 13 School Education (SE3(1) Department dated 30/01/2020. The respondents are further directed to complete the entire exercise as directed above as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.

13. It is made clear that the petitioner and other Ministerial staff working in the School Education Department and claiming appointments by transfer to the posts of Graduate Teacher/School Assistants. Shall be subject to their satisfying the qualification criteria prescribed for the respective posts."

12. It is further submitted that the Division Bench of this Hon'ble Court in in W.P.No. 18789/2022 dated 11.01.2024 in the matter of the ministerial staff sought to be appointed as Post Graduate Assistants under 2% reservation quota, have observed as follows:

"14. It is pertinent to note that appointment by transfer is usually made in the same service or different service but usually in the same rank or status. But when the transfer is made from lower to higher posts not by promotion but by direct appointment without any examination or any similar criteria but merely on the basis of eligibility and qualification it cannot be permitted as the same would not be inconsonance with service discipline. When for the very same post, the direct recruits under 10% reservation category are subjected to a selection process a different yardstick for recruitment by Transfer of Service merely on the ground of different method of recruitment cannot be countenanced. It is further relevant to point out here that as rightly contended by the petitioner the Ministerial staff who are appointed as P.G. Assistant under the 2% reservation earmarked for them have absolutely no



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W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2



teaching experience. Therefore it defies logic to subject a teacher who has number of years of teaching experience to a selection process conducted by TRB, but at the same time dispensing the same for Ministerial staff who have absolutely no teaching experience. We find force in the submission of the petitioner in this regard. Though the respondent in its counter submitted that if the petitioner's claim is accepted, it would unsettle settled issues, in the absence of any particulars in support of the claim we are not inclined to accept it."

13. It is respectfully submitted that as observed above by the Hon'ble Division Bench of Madras High Court, the Government has deemed it fit and proposed to conduct a competitive examination for the eligible ministerial staff under 2% reservation among themselves, so as to enable them for being promoted as BT Assistants in order to ensure the academic excellence of the students in the Government Schools. Hence, for the above said purpose, the Special Rules for the Tamil Nadu School Educational Subordinate Service, need to be amended suitably. For the completion of the said amendment process, some more time is required.

Under these circumstances it is therefore most humbly prayed that this Hon'ble Court may be pleased to accept the Affidavit filed by the respondents and grant 3 (Three) months' time for making suitable amendments to the Special Rules for the Tamil Nadu School Educational Subordinate Service, and pass such other orders as this Hon'ble court deems fit in the circumstances of the case and thus render justice."

3.The learned Advocate General submitted that the recruitment process will be kept in abeyance till the Special Rules are amended suitably to enable the petitioners and similarly placed persons to be considered under the 2% reservation.

4.The learned Senior Counsel/Counsel appearing on behalf of the petitioners submitted that they want to file a reply to this Counter.

5.Post these writ petitions at the end of the motion list on 29.10.2024."



W.P. Nos.9011 and 32351 of 2022, 903 & 9023 of 2023 and 16897, 25645 and 32612 of 2

6. The cases were again listed for hearing on 29.10.2024 and the following order was passed by this Court:

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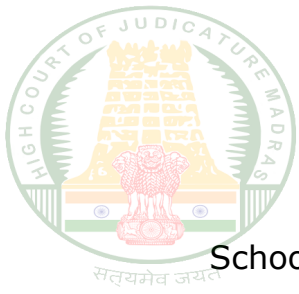
"Pursuant to the earlier order passed by this Court on 23.10.2024, the matter was listed for hearing today. A detailed reply affidavit has been filed in WP No.25645 of 2024 along with the relevant documents which has been filed as Additional typed set of papers. The learned Senior Counsel / learned counsel appearing on behalf of the petitioners also questioned the decision taken by the respondents to amend the Special Rules and also to conduct a competitive examination as between those persons, who fall under the 2% reservation.

2. A larger issue is involved in the present batch of writ petitions and the respondents will have to necessarily clarify the stand that has now been taken in the reply affidavit filed today, since the number that was provided during the previous hearing and number that has now been stated in the reply affidavit is a complete mismatch. Hence, the recruitment process shall be kept in abeyance until further orders are passed in these writ petitions.

3. The learned Senior counsel / learned counsel appearing on behalf of petitioners and the learned Special Government Pleader appearing on behalf of respondents submitted that these writ petitions can be heard by me since substantial arguments have already been made before this Court. A joint memo shall be placed before My Lord the Hon'ble Chief Justice and necessary administrative order shall be obtained for placing these writ petitions for further hearing before me."

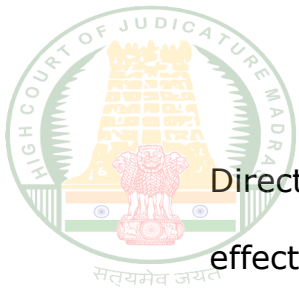
7. Pursuant to the above order, a Note was placed before the Hon'ble Chief Justice and the Hon'ble Chief Justice, through an administrative order dated 17.02.2025, directed all these writ petitions to be listed before me and accordingly, all these writ petitions were posted before me for hearing.

8. Heard the learned counsel for the respective parties and perused the materials available on record.



9. The State Government issued orders in G.O.Ms.No.175, School Education (M2) Department dated 19.07.2007 and as per this Government Order, 2% of the vacancies in the post of B.T.Assistant/Graduate Teacher was earmarked to be filled up by recruitment by transfer from among the eligible candidates from the Ministerial service in the School Education Department. A similar order was issued in G.O.(4D).No.21, School Education Department dated 02.11.2011 for filling up by recruitment by transfer from among the eligible candidates from the Ministerial service to the post of P.G.Assistant.

10. Pursuant to the aforesaid two Government Orders, in exercise of powers conferred by proviso to Article 309 of the Constitution of India, Special Rules for the Tamil Nadu School Educational Subordinate Service was issued in G.O.Ms.No.13, School Education Department dated 30.01.2020 for Graduate Teachers. Similarly, G.O.Ms.No.14, School Education Department dated 30.01.2020 was issued for P.G. Assistants. The 2% reservation was stopped from being implemented from the year 2014 - 2015. Representations were made in this regard and since the same were not considered, W.P.No.25137 of 2021 came to be filed and based on the order passed on 25.11.2021, proceedings were issued by the

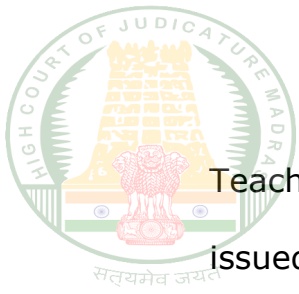


Directorate of School Education on 10.02.2022 and 14.02.2022 to the effect that the vacancies are being filled up by deployment of surplus teachers and if any vacancies remain to be filled up, the claim for accommodating 2% vacancy will be considered.

11. While so, a Division Bench of this Court had an occasion to deal with a batch of cases in W.A. Nos.313 of 2022 etc. batch pertaining to passing Teachers Eligibility Test (TET) for promotion to the post of B.T. Assistant/Graduate Teacher from the cadre of Secondary Grade teacher. While dealing with this issue, the Division Bench, at paragraph 75 of the judgment, made the following observation:

“75. The narration of facts which propelled this case would indicate that the teachers have not been appointed for the last ten years in spite of being qualified with a pass in TET. On the basis of the above findings and observations made, the State Government is directed to conduct TET periodically and make direct recruitment of teachers and promotion from among TET qualified candidates at the earliest.”

12. It is quite evident from the above judgment that no recruitment process had taken place to fill up the post of B.T.Assistant/Graduate Teacher for nearly ten years from 2013 to 2023. Taking cue from such strong observation made by the Division Bench of this Court, the Government thought it fit to proceed further with the process of direct recruitment of Graduate



Teachers/B.T.Assistants and accordingly, the notification came to be issued by the Teachers Recruitment Board. However, while undertaking this process, the Government failed to take note of the entitlement of the Ministerial staff for 2% of the vacancies in the post of B.T. Assistants/Graduate Teachers. The earlier separate orders dated 23.07.2024 passed in W.P.Nos.14928 of 2021, 4756 of 2021 and 10188 of 2021 were also not acted upon. The same impelled the petitioners to approach this Court questioning the recruitment notification.

13. Counter affidavits were filed in these writ petitions. Insofar as B.T. Assistants/Graduate Teachers, two counter affidavits are relevant and they were filed in W.P.No.25645 of 2024. The first counter affidavit was filed on 23.10.2024. Even thereafter, a couple of counter affidavits were filed. The last of the counter affidavits was filed on 14.03.2025. Insofar as the P.G. Assistants, counter affidavit was filed in W.P.No.9011 of 2022.

14. In the counter affidavit filed on 23.10.2024 in W.P.No.25645 of 2024, particulars were given with respect to the Ministerial staff who were promoted as B.T. Assistants from the years 2007-2014. For the period from 2014-2015 to 2019-2020, 2%



promotion to the Ministerial staff was not given. It is stated that there was a steep decrease in the student strength and hence, surplus teachers were identified year after year and they were deployed in the needy schools upto 2021-2022. In view of the same, a need did not arise for preparing the estimate of vacancies and as a result, 2% earmarked for Ministerial staff was never worked out. Ultimately, at paragraph 10 of the counter affidavit, a stand has been taken by providing a tabular column to the effect that 220 estimated vacancies arose for the period from 2007-2008 to 2013-2014 and 95 estimated vacancies arose from 2014-2015 to 2024-2025. The earlier orders passed in W.P.Nos.4756 of 2021, 10188 of 2021 and 14928 of 2021 were also taken into consideration. An order dated 11.01.2024 passed by a Division Bench of this Court in W.P.No.18798 of 2020 was also taken into consideration and the Government decided to conduct a competitive examination for the eligible Ministerial staff under 2% reservation so as to enable them for being promoted as B.T. Assistants.

15. In the counter affidavit filed on 14.03.2025, the following stand was taken at paragraph nos.6 to 9 and the same are extracted hereunder:

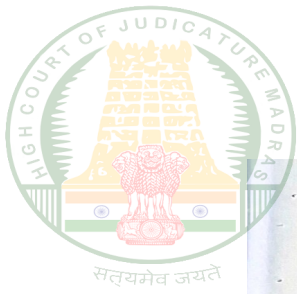


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6. It is respectfully submitted that the contents of the tabular column in paragraph of reply affidavit is utter falsehood the above figures contained therein from and out of the data downloaded from the web portal of the Teachers Recruitment Board. I crave leave of this Hon'ble Court to submit the following facts so as to prove that data, provided by the petitioner in the table is due to the reason of being misunderstood:-

- (i) Firstly, all the vacancies notified, is year to year as mentioned in the table by the TRB were not solely based on the request of the Directorate of School Education. Teachers Recruitment Board is the recruiting agency for all departments such as Adi - Dravida Welfare, BC Welfare, Social Welfare Departments and Corporation of Chennai, Madurai and Coimbatore. All of these departments are separate units under their respective Head of departments. Hence all the direct recruitment posts mentioned in the TRB notification should not be assumed pertaining to School Education Department. In this aspect itself the concept of the paragraph 7 of the reply affidavit filed by the petitioner is totally false. The actual number of vacancies Notified for the period from 2007-2008 to 2017-2018 is tabulated as below:-



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5

Sl.No.	Year of TRB	Notified Vacancies by TRB	Selected candidate for DSE
1	2007-2008	7288	2095
2	2008-2009	8164	2127
3	2009-2010	6359	1064
4	2010-2011		2730
5	2012-2013	8763	8555
6	2014-2015	11159	10989
7	2017-2018	255	194
	Total	41988	27754

(ii) Secondly the petitioner has taken the total vacancies notified in Teachers Recruitment Board Notifications issued from the year 2007-2008 to the year 2017-2018 and 2022-2023.

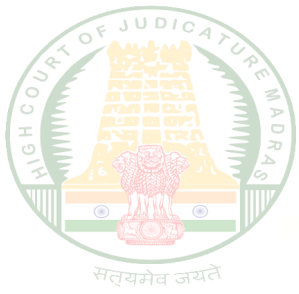
(iii) Thirdly, the said data obviously reflects the total number of vacancies notified by way of direct requirement which cannot be taken as 50% of the total vacancies. What is to be ensured as per the recruitment rules is 48% of cadre strength of the

Graduate Teachers should be by way of promotion from

Secondary Grade Teachers and 2% of cadre strength from the

staff by way of promotion. The actual number of





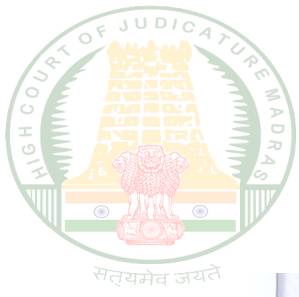
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such reservation could be arrived at, based on the estimate of vacancies every year arisen out of the following of factors namely 1. Retirement of the employee. 2. Death. 3. Resignation, 4. Promotion etc., Hence, the vacancies notified every time by Teachers Recruitment Board, should not be taken as 50% of total vacancies. Further, It is absolutely incorrect that on having misconstrued, TRB Notified vacancies as 50% total vacancies, the petitioner has determined the remaining vacancies as 50% and that such vacancies are to be filled up by way of promotion is also in utter false hood.

(iv) Fourthly, from the above table , it is not that total cadre strength of Graduate Teachers category is (i.e., 27754 X 2) 55508 out of which 27754 post will have to be filled by way of promotion.

(v) Fifthly, the estimate of vacancies will be arrived at every year taking in to consideration the following namely Retirement of the employee, Death of employee, Resignation, Promotion etc., The estimate of vacancy as approved by Government every year is tabulated below. As per the rules, the ratio of 50% : 48% : 2% should be ensured between the Graduate Teachers

appointed by way of direct recruitment, by way of promotion from Secondary Grade Teacher and Recruitment by transfer from the ministerial Staff respectively.

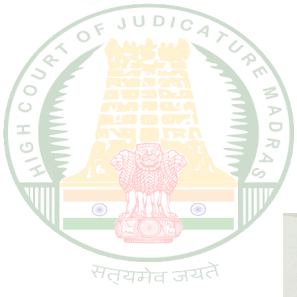


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S.L.No.	Year of Estimate of vacancy	Actual Vacancy	By way of Direct Recruitment	By way of promotion	By way of Promotion (Ministerial Staff) 2% of allotted in this category of Promotion
1	2007-2008	3675	1712	1924	39
2	2008-2009	3296	1402	1856	38
3	2009-2010	4604	3223	1353	28
4	2010-2011	4040	2804	1211	25
5	2011-2012	5581	3784	1761	36
6	2012-2013	5983	3834	2106	43
7	2013-2014	979	447	521	11
	Total	28158	17206	10732	220

7. It is submitted that the 2% allocation of post calculation to non-teaching staff shall be worked out only from the total number of post earmarked for promotion in the estimate of vacancy of every year. Hence the 2% calculation of posts to non-teaching staff based on the total number of posts earmarked for direct recruitment to Teachers Recruitment Board is totally misconceived with intention to confuse the



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8. It is submitted that the estimate of vacancy is calculated only based on the actual vacancies arising out of retirement, death, etc., other reasons such as promotion during the particular year only as per G.O.MS.NO 123, P&AR Department dated 10.09.2009.

9. It is submitted that the newly created posts under the schemes Samagra Shiksha Abhiyan and Rashtriya Madhyamik Shiksha Abhiyan were not included in the estimate of vacancy as these posts were created for effective implementation of the schemes. Hence all creation of posts were directly addressed to Teachers Recruitment Board for direct recruitment of candidates. In such circumstance the newly created posts by the Government and those posts ordered to be directly recruited by the Teachers Recruitment Board cannot be construed the posts which are arrived in the estimate of vacancy arrived by the department for the purpose of promotion and direct recruitment. As such those newly created posts cannot be taken for determining 2% vacancies for ministerial staff and also for determining 48% of vacancies earmarked for Secondary Grade Teacher to B.T. Assistant promotion under the impression that equal number of vacancies available in the department.



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16. Insofar as the counter affidavit filed in W.P.No.9011 of 2022, the vacancy position towards 2% category was explained in paragraph nos.12 and 13 as follows:

12. It is further submitted that pursuant to the above said Government orders, the details of the eligible persons transferred as Post Graduate Assistant from Ministerial Service for the year 2011-12 to 2013-14 is as follows:

Sl. No	Year	Total Vacancies	2% reservation	No of persons who were appointed in the 2% reservation
1	2011-12	1276	26	26
2	2012-13	1234	25	25
3	2013-14	976	20	20
TOTAL		3486	71	71

13. It is further submitted that due to the Amendment to Special Rules for Tamil Nadu Higher Secondary Educational Service, expected from government and also due to writ petition WPNO 7684 of 2014 and WPNO 41636 of 2016 pending in Hon'ble High court, the process of recruitment by transfer for ministerial staffs as 50% Post Graduate Assistant was not carried out for the year 2014-15. The details of Post Graduate Assistant vacancies to be filled up as per the 2% reservation from the year 2014-15 to 2020-21 is as follows:

Sl. No	Year	Total Vacancies	2% reservation	No of persons who were appointed in the 2% reservation
1	2014-15	926	19	0
2	2015-16	1050	21	0
3	2016-17	529	11	0
4	2017-18	1694	34	0
5	2018-19	1911	38	0
6	2019-20	536	11	0
7	2020-2021	1507	30	0
TOTAL		8153	164	0

17. At the time of hearing, the notice of this Court was drawn to G.O.Ms.No.261, School Education Department dated 09.12.2024. By



virtue of the same, an amendment is sought to be brought into the Special Rules for the Tamil Nadu Higher Secondary Education Service to fill up 2% vacancies in the post of Post Graduate Assistant reserved for the staff of the Tamil Nadu Ministerial Service.

18. At the time of hearing, learned counsel appearing on behalf of petitioners, submitted that the above Government Order virtually took away the vested rights of those petitioners who are otherwise eligible for being considered for promotion as P.G. Assistants and that the said amendment cannot be given a retrospective effect and at the best, it can only have a prospective effect.

19. Submissions were also made touching upon different figures being given in each counter affidavit with respect to the 2% vacancies from the year 2007-2008 onwards which was clearly a mismatch from the figures that were available in the website and the same was explained by way of a reply affidavit filed in W.P.No.25645 of 2024. According to the petitioners, for the period from 2007-2022, 2% category comes to a total of 1,808 vacancies and whereas, the respondents have taken a stand that only 220 vacancies will fall under this category. In view of the same, the learned counsel for the petitioners were insisting for a proper break up of the vacancies for



every year from 2007-2008 onwards so as to understand/ascertain the exact vacancy position which falls within the 2% category.

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20. The further grievance that was expressed on the side of the petitioners is that the counter affidavit filed in W.P.No.25645 of 2024 dated 14.03.2025 gave an impression as if the vacancy position for every year will take into consideration only those vacancies that arose out of retirement, death, resignation, promotion, *etc.* It was contended that the vacancy position can arise out of various factors, including the increase in the student strength which would require more number of teachers. Therefore, the actual vacancy position as was attempted to be projected by the respondents requires further clarity to ensure that there is more transparency in finding out total vacancies from 2007-2008 till 2024-2025, out of which, 2% must be earmarked for the Ministerial staff. Further, the 2% vacancy cannot arise out of 50% and the 2% must be calculated from 100%. In other words, as per the statutory rules, the vacancy position must be filled up in the ratio of 50% + 48% + 2%.

21. In reply to all the above submissions made on the side of the petitioners, learned Advocate General submitted as follows:



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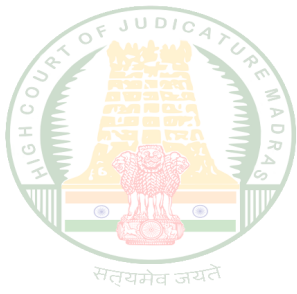
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i. The order passed in G.O.Ms.No.261, School Education Department dated 09.12.2024 which amended the Special Rules for the Tamil Nadu Higher Secondary Educational Service to fill up the 2% vacancies in the post of P.G. Assistant, will be given only a prospective effect and it will not be given a retrospective effect and thereby, the vested right of the petitioners and similarly placed persons will not be taken away; similarly such amendment has been contemplated for B.T. Assistants also and such amendment also will be given only a prospective effect;

ii. Insofar as computation of the number of vacancies, there was a mistake in the same, since, instead of calculating 2% out of total vacancies, it was calculated as 2% out of 50% of the vacancies and thereby, the calculation was done in the ratio of 50% + 49% + 1%, instead of 50% + 48% + 2%; as a result, the number of vacancies as mentioned in the counter affidavit must be taken to be 410 vacancies for the period from 2007-2008 onwards;

iii. The vacancies will not confine themselves to the vacancies arising out of only retirement, death, resignation, promotion, etc. as was projected in the counter affidavit filed on 14.03.2025 and the total vacancy position will be taken into account while determining the 2% vacancy to be filled up by the Ministerial staff;



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iv. In line with this submission, the actual vacancy position and the 2% earmarking for the Ministerial staff for both B.T. Assistants as well as P.G. Assistants was tabulated and presented before the Court. For better appreciation, the same is extracted hereunder:

Details of Vacancies earmarked for Ministerial Staff promoted as BT(Tamil)/BT(Subjects) during 2007-08 to 2013-14 Directorate of School Education.								
		Post	Direct Recruitment	Promotion from SGT	Promotion from Ministerial Staff			
		BT (Tamil)	33-1/3%	64-2/3%	2%			
		BT (Subjects)	50%	48%	2%			
Recruitment Year	Government orders issued in pursuance to Estimate of Vacancy	Posts	Total Vacancies	By Direct Recruitment	By Promotion from SGT	By Promotion from Ministerial Staff ought to have been given @ 2% of Total Vacancies	Promotion given to Ministerial Staff	Promotion to be given
2007-08	G.O(Ms) No. 175 SED Date.19.07.2007	BT (Tamil)	758	253	490	15	10	5
		BT (Subjects)	2917	1459	1400	58	29	29
2008-09	G.O(Ms) No.114 SED Dated.30.05.2008	BT (Tamil)	1080	360	698	22	10	12
		BT (Subjects)	2216	1042	1130	44	28	16
2009-10	G.O(Ms) No. 146 SED dated. 29.06.2009	BT (Tamil)	731	246	470	15	8	7
		BT (Subjects)	3873	2977	819	77	20	57
2010-11	G.O(Ms) No. 152 SED Dated. 03.06.2010	BT (Tamil)	1042	346	675	21	14	7
		BT (Subjects)	2998	2458	480	60	11	49
2011-12	G.O(Ms) No. 169 SED Dated.02.11.2011	BT (Tamil)	1209	403	782	24	16	8
		BT (Subjects)	4372	3381	904	87	20	67
2012-13	G.O(Ms) No.177 SED Dated. 12.07.2012	BT (Tamil)	1823	608	1179	36	24	12
		BT (Subjects)	4160	3226	851	83	19	64
2013-14	G.O(1D) No.348 SED Dated. 10.12.2013	BT (Tamil)	305	102	197	6	4	2
		BT (Subjects)	674	345	316	13	7	6
Total			28158	17206	10391	561	220	341

Details of Vacancies earmarked for Ministerial Staff to be promoted as BT(Tamil)/BT(Subjects) during 2014-15 to 2024-25 Directorate of School Education.																										
<table><tr><th colspan="2"></th><th>Post</th><th>Direct Recruitment</th><th>Promotion from SGT</th><th>Promotion from Ministerial Staff</th></tr><tr><th colspan="2"></th><th>BT (Tamil)</th><td>33-1/3%</td><td>64-2/3%</td><td>2%</td></tr><tr><th colspan="2"></th><th>BT (Subjects)</th><td>50%</td><td>48%</td><td>2%</td></tr></table>											Post	Direct Recruitment	Promotion from SGT	Promotion from Ministerial Staff			BT (Tamil)	33-1/3%	64-2/3%	2%			BT (Subjects)	50%	48%	2%
		Post	Direct Recruitment	Promotion from SGT	Promotion from Ministerial Staff																					
		BT (Tamil)	33-1/3%	64-2/3%	2%																					
		BT (Subjects)	50%	48%	2%																					
Recruitment Year	Government orders issued in pursuance to Estimate of Vacancy	Posts	Total Vacancies	By Direct Recruitment	By Promotion from SGT	By Promotion from Ministerial Staff ought to have been given @ 2% of Total Vacancies	Promotion given to Ministerial Staff	Promotion to be given																		
2014-15	G.O(Ms) No. 53 SED Dated. 27.08.2014	BT (Tamil)	262	87	170	5	0	5																		
		BT (Subjects)	736	368	353	15	0	15																		
2015-16	G.O(2E) No. 133 SED Dated. 01.06.2016	BT (Tamil)	280	93	181	6	0	6																		
		BT (Subjects)	386	193	185	8	0	8																		
2016-17	DSE R.C.No.38000/C2/E3/2016	BT (Tamil)	215	72	139	4	0	4																		
		BT (Subjects)	962	481	462	19	0	19																		
2023-24	DSE R.C.No.54271/C2/E2/2023	BT (Tamil)	1202	401	777	24	0	24																		
		BT (Subjects)	2960	1599	1302	59	0	59																		
2024-25	DSE R.C.No.54271/C2/E2/2023	BT (Tamil)	402	134	260	8	0	8																		
		BT (Subjects)	1414	707	679	28	0	28																		
Total			8819	4135	4508	176	0	176																		



Details of vacancies earmarked for Ministerial staff promoted as PG Assistant During 2011-2012 to 2013-2014								
Directorate of School Education								
		Post	Direct Recruitment	Promotion from BT	Promotion from Ministerial Staff			
		P.G.Assistant	50%	48%	2%			

Recruitment Year	Government orders issued in Pursuance to Estimate of Vacancy	Posts	Total vacancies	By Direct Recruitment	By from Promotion BT	@ 2% of total vacancies	Promotion given to Ministerial Staff	Promotion to be given if Calculated @ 2% of total vacancies
2011-12		P.G.Asst	2552	1276	1225	51	26	25
2012-13		P.G.Asst	2468	1234	1185	49	25	24
2013-14		P.G.Asst	1952	976	937	39	20	19
Total			6972	3486	3347	139	71	68

Details of vacancies earmarked for Ministerial staff promoted as PG Assistant During 2014-2015 to 2021-2022								
Directorate of School Education								
		Post	Direct Recruitment	Promotion from BT	Promotion from Ministerial Staff			
		P.G.Assistant	50%	48%	2%			

Recruitment Year	Government orders issued in Pursuance to Estimate of Vacancy	Posts	Total vacancies	By Direct Recruitment	By from Promotion BT	@ 2% of total vacancies	Promotion given to Ministerial Staff	Promotion to be given if Calculated @ 2% of total vacancies
2014-15	G.O.(2D) No. 54 School Education SE(2(1) Dept Dt.27.08.2014	P.G.Asst	1852	926	889	37	19	18
2015-16	G.O.(2D) No. 24 School Education SE(2(1) Dept Dt.10.02.2016	P.G.Asst	2125	1063	1020	42	21	21
2016-17	G.O.Ms No. 156 School Education SE(2(1) Dept Dt.29.08.2016	P.G.Asst	1113	557	534	22	11	11
2017-18		P.G.Asst	3388	1694	1626	68	34	34
2018-19		P.G.Asst	3822	1911	1835	76	38	38
2019-20		P.G.Asst	1072	536	515	21	11	10
2020-21		P.G.Asst						
2021-22		P.G.Asst	3014	1507	1447	60	30	30
TOTAL			16386	8194	7866	326	164	162

v. The 2% category will apply only to those Ministerial staff who belong to the State Education Department and it cannot be extended to the Ministerial staff belonging to any other category of schools. To substantiate the same, learned Advocate General placed specific reliance upon the Special Rules that were brought



into force under the proviso to Article 309 of the Constitution of India.

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22. The fair submissions made by the learned Advocate General sufficiently take care of the grievances expressed by the petitioners. The exact vacancy position falling under the 2% category has been tabulated and extracted in paragraph 20 (iv), *supra* and these vacancies will be filled up by preparing a panel for every year starting from 2007-2008 and the eligible candidates will be accommodated in the respective vacancies based on their seniority.

23. Insofar as grievances expressed by the petitioners on the proposed amendment to the Special Rules, they will have no bearing on the petitioners and similarly placed persons since amendment is going to be given only a prospective effect.

24. One of the submissions that was made on the side of the petitioners is that the observation made by a Division Bench of this Court in **P. Charles Nelson vs. The Secretary to Government, School Education Department and 3 others** (W.P.No.18798 of 2020 decided on 11.01.2024) is taken out of context and that, that case did not deal with 2% reservation and at the best, the observation



can only be construed as an *obiter dictum*. It is not necessary for this Court to go into this issue since it has been clarified by the learned Advocate General that the amendment to the Special Rules is going to be given only a prospective effect.

25. Insofar as determination of the total vacancies, it has been clarified that the vacancy position will be determined not merely on the stand taken in the counter affidavit filed in W.P.No.25645 of 2024 at paragraph 6(v) and the entire vacancy position will be taken into consideration for every year starting from 2007-2008. As rightly contended by the learned Advocate General, this 2% category can be filled up only from among the Ministerial staff working in the State Education Department.

26. The above confusion would not have arisen if the vacancies had been filled up on regular basis. The State Government had allowed the vacancies to get accumulated from the year 2013 onwards and as a result, there is a huge backlog in filling up the vacancies under the 2% category. This has given rise to an unnecessary controversy which could have been easily averted by the State Government. Before 2007, the Ministerial staff were not entitled to being promoted as B.T. Assistants/P.G. Assistants and it was a right which was created by



bringing forth the Special Rules under Article 309 of the Constitution of India and once the Rules come into effect, a vested right accrues to the Ministerial staff and it cannot be defeated by not undertaking the process of filling up vacancies under the 2% category. It is made clear that the State Government shall fill up the sanctioned vacancies in the School Education Department on a year to year basis and it is high time that the State Government stops the practice of engaging teachers on contract basis and establish themselves as a model employer.

27. In the light of the above discussion, all these writ petitions are disposed of with a direction to the State Government and the Directorate of School Education to take immediate steps to fill up the vacancies under the 2% category, both in the posts of B.T. Assistant/Graduate Teachers and P.G. Assistant from among the eligible candidates by drawing a panel for each year starting from 2007-2008 and to issue appropriate orders within a period of six weeks from the date of receipt of a copy of this order. The remaining vacancies in the posts of B.T. Assistant/Graduate Teacher shall be filled up by direct recruitment as per the selection done under the notification issued by the Teachers Recruitment Board. The Teachers Recruitment Board has already completed the selection process and



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hence, the Board shall forward the list of selected candidates to the respective user Departments forthwith. Such appointment orders shall be issued after the completion of filling up of vacancies under the 2% category for the posts of B.T. Assistant/Graduate Teacher. Connected W.M.Ps. stand closed. There shall be no order as to costs.

21.03.2025

cad
Index : Yes/No
NC : Yes/No
Speaking Order/Non Speaking Order



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N. ANAND VENKATESH, J.

cad

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- To
1. The Principal Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009
 2. The Commissioner of School Education
DPI Campus, College Road
Chennai 600 006
 3. The Director
Directorate of School Education
DPI Campus, College Road, Chennai 600 006
 4. The Joint Director of School Education (Personnel)
(Higher Secondary Education)
DPI Campus
College Road, Chennai 600 006
 5. The Joint Director of School Education (Personnel)
(High School Education)
Directorate of School Education
DPI Campus, College Road, Chennai 600 006
 6. The Secretary
The Teachers Recruitment Board
IV Floor
DPI Campus, College Road, Chennai 600 006
 7. The Member Secretary
Teachers Recruitment Board
DPI Campus, College Road
Chennai 600 006

Pre-delivery common order in

W.P. Nos.9011 and 32351 of 2022

W.P. Nos.903 & 9023 of 2023

and

W.P. Nos.16897, 25645 and 32612 of 2024

21.03.2025