



W.P.No.10086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HON'BLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No. 10086 of 2023
and W.M.P.Nos.10115 to 10117 of 2023,
17633 and 17635 of 2024

K.Ambika

... Petitioner

Versus

- 1.The Secretary to Government
Department of Elementary Education
Fort St George
Chennai-600 009.
- 2.The Director of Elementary Educational
College Road,
Chennai-600 009.
- 3.The Chief Educational Officer
Ranipet, Ranipet District.
4. The District Elementary Education Officer
Ranipet, Ranipet District.
- 5.The Block Education Officer-I
Walaja West, Walaja
Ranipet District



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6. Sri Ramakrishna BHEL Primary School,
Rep. by its Secretary
BHEL Township,
Ranipet,
Ranipet District.

7. Smt. Thamaraichelvi
Head Mistress
Sri Ramakrishna BHEL Primary School
BHEL Township
Ranipet,
Ranipet District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 2nd respondent to take appropriate action in coordination with the 6th respondent school to prepare fresh seniority list of teachers of the 6th respondent school as per the guidelines pointed out by the 4th respondent in his proceedings in (1) Na.Ka.No.1939/a1/2022 dated 04.01.2023 and (2). Na.Ka.No.1939/a1/2022 dated 09.03.2023.

For Petitioner : Mr.Secular S.Arunkumar

For Respondents 1 to 4 : Mr.S. Prabhakaran
Government Advocate

For Respondent 5 : Mr.S.N. Ravichandran



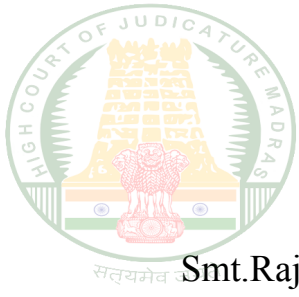
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ORDER

The writ petition has been filed to direct the 2nd respondent to take appropriate action in coordination with the 6th respondent school to prepare fresh seniority list of teachers of the 6th respondent school as per the guidelines pointed out by the 4th respondent in his proceedings in (1) Na.Ka.No.1939/a1/2022 dated 04.01.2023 and (2). Na.Ka.No.1939/a1/2022 dated 09.03.2023.

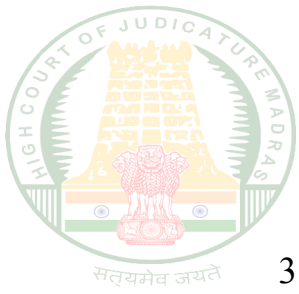
2. The facts of the case is that the petitioner is a primary school teacher for the past 23 years. On 16.11.2000, she was appointed as a Secondary Grade Teacher in the 6th respondent primary school, which is receiving aid from the Government of Tamilnadu. On 31.05.2008, the Head Master of the 6th respondent school viz Smt.Rajammal had retired due to superannuation. Despite the petitioner was the senior most teacher on 31.05.2008 with 8 years of service to be entitled for appointment to the post of Head Master as her name also was immediate next to the Head Master's name in the seniority list, she has not been appointed as the Head Master of the 6th respondent school. Moreover, prior to the retirement of the said Head Master



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Smt.Rajammal, the petitioner was asked to give willingness for appointment to the post of Head Master and accordingly the petitioner had submitted her willingness. However, the 6th respondent school did not appoint the petitioner as the Head Master and showing caste based discrimination on her. It is the further case of the petitioner that the 6th respondent school unilaterally revised the seniority list in which the petitioner's name is shifted to 16th place. Finally, on 06.04.2010, the 7th respondent herein, who is a junior to the petitioner as per the seniority list, was appointed as the Head Master of the said school. The grievance of the petitioner is that there was a direction to the 6th respondent School Management in Na.Ka.No.1939/a1/2022 dated 04.01.2023 to maintain seniority list of the teaching staff of the school. Thereafter, the petitioner gave a representation to the 4th respondents on 02.02.2023. Pursuant to which the 5th respondent on 09.03.2023 issued proceedings showing that petitioner's name should be placed properly in the school seniority list. However, there was no progress and the petitioner was not granted promotion. Hence, this petition.



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3. The above issue has already been dealt with and this Court has already disposed of the writ petition on 31.03.2023. Aggrieved over the same the respondents have preferred Writ Appeal in W.A.No.1813 of 2023 and the same was disposed of with a direction to remit the matter back to this Court.

4. On 31.03.2023, this Court has disposed of the writ petition with a direction to the 4th respondent to consider the claim of the petitioner for which he is entitled to and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of that order. The learned counsel for the petitioner made a submission before this Court that the 7th respondent had submitted her application for voluntary retirement from service and the petitioner is the next senior to be appointed. Hence, this Court relied on the submission made by the learned counsel for the petitioner disposed of the writ petition with a direction to consider the claim of the petitioner. When this being the case in the Writ Appeal filed by the respondents herein had stated that the VRS of the 7th respondent was not approved by the authorities concerned.



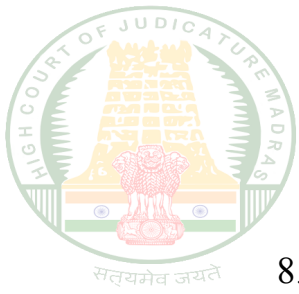
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5. It is pertinent to note the fact that the VRS of the 7th respondent was not approved by the authorities concerned, was not disclosed by the respondents at the time of arguments while this Court disposed of the above Writ Petition on 31.03.2023.

6. The learned counsel appearing for the 6th respondent has filed a counter on 13.02.2025 wherein, it has been stated that the petitioner with the help of the local politicians belonging to the VCK party, trespassed into the school Management and created a ruckus, claiming promotion to the writ petitioner.

7. The petitioner who is a teacher has more responsibility to impart Education. In general, there is large scale allegations in the public domain that the teachers are not taking classes properly and not imparting education in the manner prescribed. The public in general expect that they should impart better education to the children and share knowledge and develop discipline amongst the students for nation building. These students are the nation builders of our great nation and therefore, more concentration is required in the field of education.



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8. Even assuming there was some injustice caused to the petitioner, involving in the act of i.e trespassed into the school Management and created a ruckus, claiming promotion to him is not fair. It is also pertinent to note that in the earlier occasion when the matter came up for hearing before this Court the petitioner has suppressed the fact before this Court i.e., VRS of the 7th respondent was not approved by the authorities concerned

9. This Court time and again in many Judgements has made it clear that promotion cannot be claimed as a matter of right. Whiles, the petitioner in order to obtain promotion trespassed into the school Management and created a ruckus is not fair and the same cannot be accepted by this Court.

10. In view of the above facts it is made clear that the petitioner had not come to the Court with clean hands. Hence, this petition deserves to be dismissed and accordingly this petition is dismissed. Consequently the connected miscellaneous petition is closed. No order as to costs.

21.02.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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