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W.A.No. 916 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 916 of 2025
and
C.M.P.No. 7775 of 2025

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.

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

3.The Joint Director of School Education (Personnel)
Directorate of School Education,
College Road, Chennai 600 006.

4.The Chief Educational Officer,
Kallakurichi District,
Kallakurichi 606 202.

5.The Headmaster,
Government Boys High School,
Chinna Salem,
Kallakurichi District 606 201

... Appellants

Vs.

R.Loganathan

... Respondent



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.11.2023 made in W.P.No.14901 of 2020.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader
For Respondents : Mrs.Nalini Chidambaram
Senior Counsel for Mrs.C.Uma

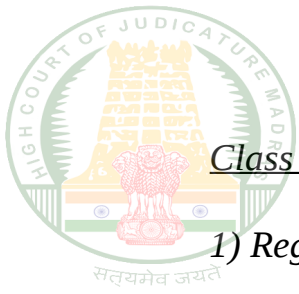
J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The State is aggrieved by the directions issued by the learned single Judge to consider the representation of the petitioner and pass positive and soothing orders.

2. The representation of the petitioner was seeking promotion as Physical Education Director Grade-II from the post of Physical Education Teacher. The petitioner, who was employed on a temporary basis for two years on a consolidated pay was absorbed as a Physical Education Teacher pursuant to G.O.Ms.No.253 dated 05.12.2006. He claimed promotion as Physical Education Director Grade-II. The mode of appointment for Physical Education Director Grade-II as prescribed in G.O.Ms.No.753 dated 16.07.1985 is as follows:-

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Class VI

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1) *Regional Inspectors of Physical Education and Physical Directors.*

i) *Promotion from among the Physical Education Teachers or*

ii) *Transfer from any post in the the service on an identical scale of pay or*

iii) *Promotion from any post in the service on a lower scale of pay or*

iv) *If no qualified and suitable candidate is available for appointment, I to (iv) above by direct recruitment;*

3. Mr.U.M.Ravichandran, learned Special Government Pleader would submit that the total number of Physical Education Directors Grade-II is only 93 as against 4571 Physical Education Teachers. Being a promotional post, seniority will have to be taken into account and on the basis of seniority, only persons who had joined as Physical Education Teachers in 1999 have been promoted as Physical Education Directors Grade-II in the year 2024. Therefore, the petitioner will have to await for his turn.

4. Contending contra, Mrs.Nalini Chidambaram, learned Senior Counsel would submit that the petitioner has been stagnated in the same post for more than 17 years, despite possessing better qualifications.

5. We do not think, we can direct promotion on the basis of better



qualification. If a person decides to join a post, for which, a much lower qualification is prescribed than he possess, he takes the risk. Having joined as a Physical Education Teacher, the petitioner will have to necessarily await his turn for promotion. Admittedly, the petitioner entered into service only in the year 2008 and therefore, he will have to wait for his turn for promotion.

6. We are therefore, unable to subscribe to the directions issued by the learned single Judge. This Writ Appeal stands **allowed** and the order of the learned single Judge stands modified to the effect that the petitioner will be considered for promotion as and when he reaches the zone of consideration. No costs. Consequently, connected miscellaneous petition is closed. It is made clear that the petitioner shall not be overlooked when his turn for promotion comes.

(R.S.M., J.) (G.A.M., J.)
03.04.2025

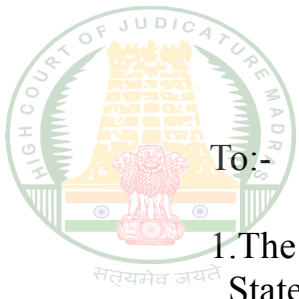
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Index: No

Speaking order

Neutral Citation : No

Note: Upload order copy on 07.04.2025.



To:-

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai 600 009.

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