



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16127 of 2019

and

WMP.No.15876 of 2019

T. Kalaiyarasi,
D/o. Thiruvengadam.
B.T., Assistant/Graduate Teacher,
Hindu Higher Secondary School (Aided),
Vaniyampadi,
Vellore District.

Petitioner

Vs.

- 1.The Director,
School Education,
DPI Campus, Nungambakkam,
Chennai-600 006.
- 2.The Joint Director (Personnel)
School Education,
Higher Secondary Education,
DPI Campus, Nungambakkam,
Chennai-600 006.
- 3.The Chief Education Officer,
Vellore, Vellore District.
4. The District Elementary Education Officer,
Vellore District, Vellore.
5. The Headmaster,
Hindu Higher Secondary School Aided,
Vaniyapadi, Vellore District.



6. The Secretary,
Samuganala Seva Sangam,
No.3, Sagadeva Krishnappa Street,
Aambur pet, Vaniyapadi,
Vellore District.

7. T. Devasena,
B.T., Assistant/Graduate Teacher,
Hindu Higher Secondary School (Aided),
Vaniyampadi, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 6 from promoting or appointing the 7th respondent as P.G. Assistant History in the 5th respondent school viz., Hindu Higher Secondary School, Vaniyampadi, Vellore District without following the seniority among the B.T. Assistants and consequently direct the 3rd respondent to consider my claim for the promotion of P.G. Assistant History in the 5th respondent school viz., Hindu Higher Secondary School, Vaniyampadi Vellore District based on my seniority.

For Petitioner : Mr.Balaji K

For Respondents : Mr.A.M.Ayyadurai, G.A for RR1 to 4
: Mr.J.Saravanavel for R7
:Mr.C.Ravichandran for RR5 & 6

ORDER



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The petitioner has filed this writ petition seeking a Writ of Mandamus to forbear the respondents 1 to 6 from appointing or promoting the 7th respondent as P.G. Assistant (History) at Hindu Higher Secondary School, Vaniyampadi, Vellore District, without following seniority among B.T. Assistants and direct the 3rd respondent to consider the petitioner's promotion to the same position based on her seniority.

2. Heard Mr.K.Balaji, learned counsel for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate for the respondents 1 to 4, Mr.J.Saravanavel, learned counsel for the 7th respondent, Mr. C.Ravichandran, learned counsel for the respondents 5 & 6 and perused the materials placed on record, apart from the pleadings of the parties.

3. The Hindu Higher Secondary School, Vaniyampadi, Vellore District (5th respondent) is an aided school managed by the 6th respondent. The petitioner was appointed as a B.T. Assistant (Maths) on 01.06.2005 in an approved post. In 2015, the 2nd respondent prepared a seniority-cum-eligibility list for P.G. Teachers and High School Headmasters for promotion, but the petitioner's name was omitted for consideration, though she had more than 10 years of service



experience. From 2015 to 2018, she was permitted to teach P.G. Assistant (History) with the approval of respondents 5 and 6, as she has also acquired the P.G. degree in History. Hence the petitioner claims that she has to be given preference in accordance with the seniority and she ought to have been given with the promotion to the post of P.G. Teachers/ High School Headmasters /Headmistresses of Higher Secondary Schools.

4. It is the claim of the petitioner that she already acquired M.Sc. (Maths) and completed M.A.(History) in 2015. It is submitted that she has rendered 13 years of unblemished service as a B.T. Assistant (Maths) at Hindu Higher Secondary School, she was overlooked for promotion and that the 7th respondent, T. Devasena, who was junior to her was appointed as P.G. Assistant (History), in violation of the seniority norms; in this regard, the petitioner submitted representations on 22.08.2017, 16.02.2019, 25.04.2019 and 08.05.2019 and so far no order has been passed.

5. On an earlier occasion, this Court has dealt an issue similar to the case of the petitioner and passed an order dated 20.02.2025 in W.P.No.17415 of 2018 by negating the claim of the petitioner. The relevant portion of the order is



extracted hereunder:

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"6. The recruitment to the post of P.G. Assistant is being done on 1:1 ratio between direct recruitment and in-service candidates. As per G.O. Ms. No. 266, School Education Department, dated 18.10.2000 the ratio between the persons possessing P.G. degree and Masters degree in same subjects and in different subjects should also be 1:3.

7. It has been stated that when other things being equal preference shall be given to those persons who have studied the same subject in which he/she has obtained the Post~graduate Degree, as main subject under Part III in the Bachelor-s Degree level. The subsequent amendment brought to the above rules under G.O. No. 266 School Education Department dated 18.10.2000 would state that the ratio for appointment by recruitment by transfer from among the qualified persons possessing Bachelors Degree and Masters Degree in the same subject (preferential persons) and from among the qualified persons possessing Bachelor Degree and Master Degree in different subjects (non~preferential persons) respectively shall be 1:3.

8. It is not the contention of the petitioner that recruitment to P.G. Assistant English through direct recruitment and by transfer did not follow the 3:1 ratio. Their only grievance is that the person who has the lower rank in the seniority but who had the same major was given preference than the petitioner. The persons who are holding the same degree should be given preference, even according to the Rules and hence, the petitioner cannot have any grievance. Though the petitioner might possess U.G. degree also in English his



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appointment is only for B.T. Assistant [History]. The petitioner seniority position 23 relates to B.T. Assistant (History) and not B.T. Assistant (English) category.

9. The petitioner compares himself with those persons who should be given with preferential treatment in the matter of promotion on transfer, by taking advantage of his another U.G. degree in English, but forgetting the fact that he has been recruited only as B.T. Assistant (History). Hence, the prayer sought by the petitioner cannot be granted.

10. In view of the above stated reasons, this writ petition is dismissed. No costs."

6. In the instant case, the petitioner has been appointed as B.T.Assistant (Maths) and not as B.T. Assistant (History). Even her seniority in B.T. Assistant category will be only in the subject of Maths and not in History. Even though the petitioner had subsequently acquired PG degree in History, her initial appointment cannot be considered as B.T.Assistant (History) in order to get preference in appointment to the post of PG. Assistant (History).

7. As there are persons who have been appointed as B.T. Assistant (History) and who also have PG degree (History) are available, the petitioner has



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not been chosen for being appointed as PG Assistant (History). Even though the petitioner has also got [PG.Degree](#) (History), her original appointment was not to handle Social Science classes but only Mathematics subject. As the 7th respondent has been appointed to the post of B.T.Assistant and she is also qualified by acquiring PG degree (History), it is right for the School Committee to prefer the 7th respondent to the post of P.G.Assistant(History) by giving her due preference.

8. It might be true that the petitioner was allowed to handle History classes after she had acquired PG degree in History also. But the petitioner's History qualification in PG Degree is through cross major and not the same degree qualification for the purpose of giving preference to being appointed as PG Assistant (History). As the petitioner has raised similar facts and also placed similarly as that of the petitioner who had filed the earlier writ petition in [W.P.No.17415 of 2018](#).

9. The position held in the above case is applicable to the petitioner's case also. Since the present petitioner is also similarly placed and seeks the same



relief, the writ petition cannot be considered favourably.

WEB COPY In the result, the writ petition stands **dismissed**. No costs. Consequently,
the connected miscellaneous petition is also closed.

26.02.2025

Index: Yes/No

Internet: Yes/No

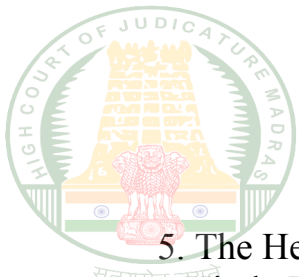
Speaking /Non~speaking order

jrs

To

- 1.The Director,
School Education,
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Chennai-600 006.
- 2.The Joint Director (Personnel)
School Education,
Higher Secondary Education,
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5. The Headmaster,
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R.N.MANJULA, J.

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