



W.P. No. 17415 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 17415 of 2018

P.Ashok Kumar

... Petitioner

-VS-

1. Joint Director of School Education,
(Higher Secondary), Chennai - 6.

2. Chief Educational Officer,
Dharmapuri, Dharmapuri District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st Respondent in his Proceedings Na.Ka.No.018400/W.3/E.1/2018 dated 04.04.2018 and quash the same and direct the Respondents to give notional promotion to the petitioner as P.G.Assistant (English) from the date on which the petitioner is eligible and junior was promoted from 2007 and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mrs.P.Rajarajeswari
Additional Government Pleader



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ORDER

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The petitioner has filed this writ petition challenging the order passed by the first Respondent in his Proceedings in Na.Ka.No.018400/W.3/E.1/2018 dated 04.04.2018 and direct the Respondents to give notional promotion to the petitioner as P.G.Assistant (English) from the date on which the petitioner is eligible and junior was promoted from 2007 and confer all the consequential benefits.

2. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mrs.P.Rajarajeswari, learned Additional Government Pleader for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner who has been recruited as B.T. Assistant (History) has filed this writ petition stating that he has got P.G. degree in English also and his seniority number is 23. While appointing the P.G. Assistant (English) through transfer by promotion his junior by name Thendral has been given preference. According to the petitioner, he also has the P.G. degree in English and hence, he has to be given preference in accordance with the seniority and he ought to



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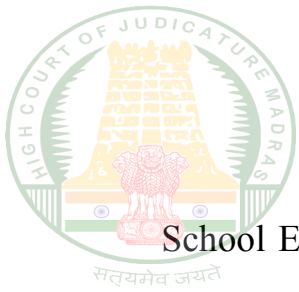
have given the promotion to the post of P.G. Assistant [English] in the year

WEB (2007) itself.

4. When the approved panel for the promotion to the post of P.G. Assistant [English] on the crucial date of 01.01.2007, the petitioner's name did not find place. Though it is claimed by the petitioner that he had both U.G. and P.G. degrees in English and he should have been accommodated in the list which was prepared about the persons having U.G. and P.G. degrees in English. It could only imply that the persons who have been recruited as B.T. Assistant in English and who also possess P.G. degree in English.

5. In the case of the petitioner, even though he has U.G. degree in English and History, he got his selection as B.T. Assistant only in English. Had he been accommodated as B.T. Assistant in English, it would have been a fair play for the petitioner to state that he should have also been treated on par with those persons who have been recruited as B.T. Assistant [English] and who also has P.G. qualification also in English.

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,



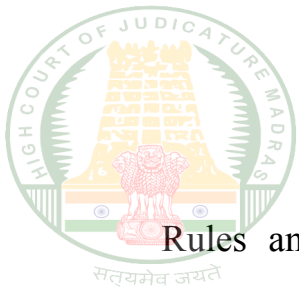
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School Education Department, dated 18.10.2000 the ratio between the persons

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 Bachelor's Degree and Master's 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 senior but who had same major given preference than the petitioner. The persons who are holding the same degree should be given preference even according to the



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Rules and hence, the petitioner cannot have any grievance. Though the petitioner might possess U.G. degree also in English his 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.

20.02.2025

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
Maya



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R.N.MANJULA, J.

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To

1. The Joint Director of School Education,
(Higher Secondary), Chennai - 6.
2. The Chief Educational Officer,
Dharmapuri, Dharmapuri District.

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Dated : 20.02.2025