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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 21898 of 2017

and

WMP.Nos. 22932 and 22933 of 2017

N. Mutharasu

..Petitioner

Vs

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600006.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600006.

..Respondents



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Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to allocate five vacancies to the post of Physical Director Grade-I to be filled up under service category as per Special Rules as amended in G.O.Ms.No.110 School Education (SE2(1)) Department dated 26.05.2017 and consequently directing the respondents to select and appoint the petitioner to the post of Physical Director Grade-1 under service category by allowing the petitioner to attend Certificate Verification, based on merit in the selection and to pass such further or other orders.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.S.Prabhakaran, GA – R1 & R2

Mr. R. Neelakandan, AAG
Asst. by Mr.R.Siddharth -R3

ORDER

The captioned writ petition has been filed seeking issuance of a writ of mandamus, directing the respondents to allocate five vacancies to the post of Physical Director Grade-I to be filled under the “service category” in accordance with the Special Rules as amended by G.O.Ms.No.110, School Education (SE2(1)) Department, dated 26.05.2017, and consequently to select



and appoint the petitioner to the said post under the service category.

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2. Learned counsel for the petitioner placed reliance on G.O.Ms.No.110, School Education (SE2(1)) Department, dated 26.05.2017, issued by the Secretary to Government, Department of Education. In the said Government Order, an amendment was introduced to the Tamil Nadu School Educational Subordinate Service Rules (Section 48 in Volume III of the Tamil Nadu Service Manual). The amendment provided that 50% of the substantive vacancies in the post of Physical Education Teacher shall be filled through direct recruitment, and that 10% of such vacancies shall be filled from among qualified Secondary Grade Teachers and other teachers drawing the Secondary Grade scale of pay, working in Government Higher Secondary Schools, High Schools, Middle Schools, and Elementary Schools under Local Bodies (Corporation, Municipal, or Panchayat Union) as well as all aided managements.

3. The submissions of the learned counsel for both sides and the materials available on record have been duly considered.



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4. The petitioner was working as a Physical Education Teacher in a recognised Government-aided school. A notification dated 09.05.2017 was issued inviting applications for appointment to 51 posts of Physical Education Teacher Grade-I. The petitioner's grievance is that, although he was qualified and eligible, he was not considered for appointment under the service category as envisaged in the amended rule, which earmarked 10% of the vacancies for such category.

5. It is, however, pertinent to note that the notification inviting applications was issued on 09.05.2017, whereas the amendment in G.O.Ms.No.110 came into force only on 26.05.2017. The petitioner's claim is essentially that the amended provision should be applied retrospectively to the recruitment process initiated under the notification dated 09.05.2017. This contention cannot be accepted, as service rules, unless expressly stated otherwise, operate prospectively and cannot be given retrospective effect to alter an ongoing selection process.



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6. In view of the above, the petitioner was not entitled to the benefit of the amended rule in the 2017 selection. Furthermore, it is an admitted fact that the petitioner has since been appointed as Physical Education Teacher Grade-I in the selection process conducted in 2021.

7. For these reasons, the writ petition fails and is accordingly dismissed. Consequently, the connected Miscellaneous Petitions stand closed. There shall be no order as to costs

07.08.2025

Index : Yes/No

Internet : Yes/No

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To

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HEMANT CHANDANGOUDAR, J.

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3.The Chairman,
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