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W.P.No.31921 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31921 of 2025

M.Sathya

... Petitioner

Vs.

1.The Director Of School Education
College Road, Chennai 6

2.The Joint Director Of School Education
College Road, Chennai 6

3.The District Educational Officer
Gobichettipalayam, Erode District

4.The Secretary
Sakthi Higher Secondary School, Nachimuthupuram, Sakthi Nagar,
Erode District 638 315

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 1st Respondent to upgrade the post of the petitioner from Physical Education Teacher to Physical Director Grade I in accordance with G.O Ms. no 73 dated 19.03.2010 and in light of the order passed by this Honble Court in W.P. no 43499 of 2016, dated 23.03.2023.



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For Petitioner :M/s.K.Sathish Kumar

For Respondents :M/s.S.Prabhakaran, Govt Advocate
for R.1 to R.3.

ORDER

The petitioner seeks a mandamus to the 1st respondent to upgrade his post from Physical Education Teacher to a Physical Director Gr. I in keeping with the provisions of Go.Ms.No.73 dated 19.03.2010 and in the light of the orders passed by this Court on 23.03.2023 in WP.No.43499 of 2016.

2. The petitioner would submit that she is employed as a Physical Education Teacher (PET) at the 4th respondent school. She had been appointed as a PET on 10.12.2015 after fulfilling the requisite eligibility criteria and following the recruitment process. Pursuant to her appointment, the 4th respondent school had submitted a proposal to the 3rd respondent seeking approval of the appointment. However, the same has been rejected arbitrarily by the 3rd respondent in his proceedings dated NIL.03. 2016. The order does not give any



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valid reasons for the rejection of approval. Aggrieved by this

rejection, the 4th respondent school had submitted a representation dated 18.04.2016 to the 3rd respondent which was once again rejected on 31.05.2016 and therefore the 4th respondent school had preferred a statutory appeal before the 2nd respondent which was also rejected by order dated 30.09.2016.

3. Challenging these rejection orders, the petitioner had filed WP.No.43499 of 2016 seeking to quash the orders passed by the 3rd respondent as well as the 2nd respondent and for a consequential direction to respondents 1 to 3 to approve her appointment as Physical Education Teacher with effect from 10.12.2015. When the matter came up for admission on 19.12.2016, interim directions were issued to the 3rd respondent to pay the petitioner's salary. Thereafter, by proceedings dated 07.08.2017, the 3rd respondent informed that the petitioner's appointment was temporarily approved subject to the result of the Writ Petition. Ultimately, the Writ Petition was allowed on 23.03.2023 directing the respondents 1 to 3 to approve the



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petitioner's appointment as PET with effect from 10.12.2015 and to fix the pay accordingly. This order was not complied with thereby constraining the petitioner to file a Contempt Petition in Cont.P.No.353 of 2023. Thereafter, on 28.02.2025, the appointment was approved and the petitioner's arrears of salary were released.

4. During the pendency of the above Writ Petition, considering the fact that the 4th respondent school had more than 400 students in classes 9 to 12 and in the light of the provisions of GO.Ms.No.73 School Education (S2) Department dated 19.03.2010, the 4th respondent had submitted a representation dated 25.10.2018 to the 1st respondent seeking upgradation of the petitioner's post from Physical Education Teacher to Physical Education Direction Grade-I and sought for the consequential promotion. Once again, no action was taken on the representation constraining the 4th respondent school to file WP.No.19846 of 2019 seeking a direction to the 1st respondent to consider and pass orders on the representation. This Court by order dated 15.11.2019 directed the 1st respondent to consider the

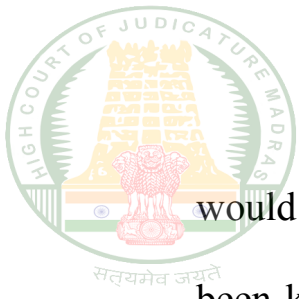


representation and pass orders.

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5. In compliance with the directions, the 1st respondent had passed an order dated 19.02.2021 in his proceedings bearing Na.Ka.No.65460/W5/2019 acknowledging the fact that the 4th respondent school had 525 students in classes 9 to 12 and was therefore eligible for 2 PETs as per the above referred Government Order. Though the respondent had noted that there were 3 persons including the petitioner working as a PET and the regular Physical Education classes were being conducted. However, the request for upgradation was deferred, citing the pendency of WP.No.43499 of 2016. Now, the said Writ Petition has been disposed of. However, the petitioner would submit that no orders have been passed on the representation dated 25.10.2018.

6. The petitioner would submit that while upgradation of the post of Physical Education Director Gr.I was sought for instead of granting upgradation, the respondent department had deployed a PET from Madurai District to the 4th respondent school. The petitioner



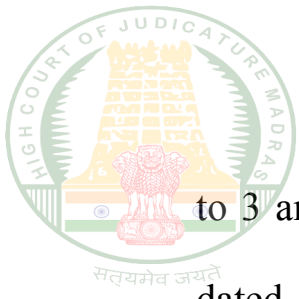
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would submit that the only ground on which the representation has been kept aside was on account of the pendency of WP.No.43499 of 2019. The said Writ Petition has been disposed of and therefore there is no impediment on the part of the respondent to follow the provisions of Go.Ms.No.73 dated 19.03.2010. In the light of orders not being passed, the petitioner is before this Court.

7. Heard the learned counsel on either side and perused the records.

8. As per the provisions of GO.Ms.No.73, the Government had directed that where there were 3 PETs and the student strength exceeded 400 then one of the PETs has to be upgraded to the post of Physical Education Director Grade-I. Therefore, in the light of the clear terms of GO.Ms.No.73 and the fact that the 4th respondent School has 3 PETs, the upgradation of the petitioner to the Physical Education Director Grade-I has to be done.

9. Accordingly, the Writ petition is allowed. The respondents 1



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to 3 are directed to consider the representation of the 4th respondent dated 10.06.2025 and pass orders in accordance with G.O.Ms.No.73 dated 19.03.2010 and in the light of the orders passed in WP.No.43499 of 2016 dated 23.03.2023, within a period of 2 months from the date of receipt of a copy of this order. No costs.

28.08.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

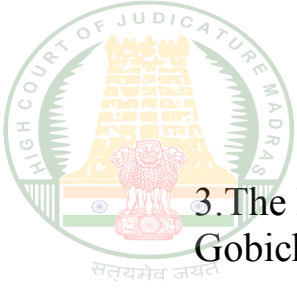
Neutral Citation : Yes/No

To

1.The Director Of School Education
College Road, Chennai 6

2.The Joint Director Of School Education
College Road, Chennai 6

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3. The District Educational Officer
Gobichettypalayam, Erode District

4. The Secretary
Sakthi Higher Secondary School, Nachimuthupuram, Sakthi Nagar,
Erode District 638 315

P.T. ASHA. J.,

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