



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No. 30811 of 2019

G.Venkataragavan,
(P.G.Assistant, Government Higher
Secondary School, Orappam,
Krishnagiri District),
H.73, TNHB, II Phase,
Krishnagiri.635 001,
Krishnagiri District.

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Petitioner

Vs.

- 1) The Secretary
to the Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai.600 009.
- 2) The Director of School Education,
DPI Compound, College Road,
Nungambakkam, Chennai.600 006.
- 3) The Chief Educational Officer,
Collectorate Campus,
Dharmapuri District,
Dharmapur.636 705.



4) The Chief Educational Officer,
Government Boys High School Campus,
Krishnagiri 1.635 001,
Krishnagiri District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to notionally promote the petitioner to the post of B.T.Assistant for the year 1990 on par with his immediate junior in Dharmapuri District for the purpose of (1) earning higher pay and allowances in all the post's, (11) incremental arrears: (111) advancement of year of promotion to the post of P.G.Assistant for the year 2007 (iv) for re-fixation of his pay as per the revised pay commission recommendations and also to get (v) the increased retiral benefits and all other consequential continuity of service, attendant, concomittant service and monetary benefits and disburse all the arrears accrued thereon within a short date that may be fixed by this Court.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mrs. P.Rajarajeswari, GA



ORDER

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The petitioner has filed this Writ Petition seeking a Writ of Mandamus, to direct the respondents to notionally promote him to the post of B.T. Assistant for the year 1990, on par with his immediate junior in Dharmapuri District and with all consequential service benefits.

2. Heard Mr.K.Rajkumar, learned counsel for the petitioner and Mrs. P.Rajarajeswari, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner has appointed as Lab Assistant on compassionate ground in the Government Higher Secondary School at Uttangarai, Krishnagiri District on 12.10.1998. After joining, the petitioner had acquired B.A. Degree and became eligible for B.T. Assistant post. Hence the petitioner claims conversion to the post of Lab Assistant to B.T. Assistant in view of possessing of B.A. Degree also. The petitioner was given with conversion in the year 1991 as junior assistant and not as B.T. Assistant as claimed by him. The petitioner has filed a protest petition and he got his



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regularisation done only after 18 years. As the regular line of promotion for the post of B.T. Assistant has also been delayed, he was not given any due promotion. Thereafter the petitioner filed a writ petition in W.P.No. 10870/2011 to include his name in the 2010 panel under 2% quota for posting him as B.T.Assistant. Subsequently he withdrew the said writ petition. Later, the petitioner was appointed as a P.G. Assistant on a non-transferable basis under the 2% quota on 28.12.2013. The petitioner now claims that he ought to have been converted to the post of B.T. Assistant as early as 1991. Therefore, he is entitled to file a petition for seeking mandamus, directing the respondents to notionally promote him to the post of B.T. Assistant retrospectively from 1990, on par with his immediate junior in Dharmapuri district, and to extend all consequential service benefits accordingly.

4. The petitioner has been appointed as Lab Assistant on compassionate grounds on 12.1.1988. At that point of time, the petitioner did not have any B.A. Degree. His father, who was a teacher, died on 22.5.1987. The petitioner acquired B.Ed degree only after he was appointed as a Lab Assistant. The petitioner has not challenged his compassionate



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appointment to the post of Lab Assistant by claiming that he ought to have been posted as B.T. Assistant on the very first instance itself. The petitioner has been converted to the post of junior assistant for the reasons known to the respondent and the petitioner was also satisfied with the said conversion and continued to work as junior assistant. The petitioner's assumption that acquiring a B.A. degree after his father's death and subsequent to his application for compassionate appointment will entitle him to be appointed to the post of B.T. Assistant itself is fundamentally wrong. The petitioner, who has been in service for the past 27 years, all of a sudden has filed this writ petition by claiming this novel relief.

5. The learned counsel for the petitioner during his argument has given much thrust to the conversion to the post of junior assistant in the year 1991 and at that time also, the petitioner was not given with the post of B.T. Assistant. The petitioner did not have any B.A. Degree at the time of his filing application for seeking compassionate appointment. It appears that the respondents have considered his case compassionately and converted him from Lab assistant to Junior Assistant. The petitioner cannot consider his B.A. Degree acquired after he joined service as the fulfilment of the eligibility criteria, for placing him in the post of B.T Assistant at the very



first inception or during conversion.

WEB COPY 6. The petitioner has got further grievance that his regularisation in the post of junior assistant was also delayed for 18 years, and that had also affected his regular line of promotion to the post of B.T.Assistant. The petitioner had placed himself at risk by claiming that he was entitled to automatic posting as B.T assistant immediately after acquiring his **B.A.Degree** irrespective of his qualification on the date of his application, filed for compassionate appointment. Having entered into service under the compassionate appointment scheme, the petitioner appears to have extended his desire to claim a post of B.T.Assistant and that had defeated his regular career prospects. The petitioner did not challenge his regularisation in the post of junior assistant also in the year 2009 when the order was passed to that effect.

7. The learned government advocate for the respondents submitted that even if the petitioner had got his regularisation at the earliest, he could not have been accommodated in the post of assistant because of his acquisition of B.A. Degree in economics. The respondents did not have any B.T.Assistant (Economics) posts available; therefore, the petitioner could



not have been accommodated in any other posts classified under

B.T.Assistant. The petitioner has been posted as P.G.Assistnat (Economics)

under 2% quota and hence, no injustice has been caused to the petitioner.

In the result, the writ petition stands **dismissed**. No Costs.

Consequently, the connected miscellaneous petition if any is also closed.

17.04.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

jrs



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R.N.MANJULA, J.

jrs

To

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to the Government of Tamil Nadu,
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