



WEB COPY

W.A.No.1905 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No.1905 of 2025
and CMP No.14516 of 2025

1. The Government of Tamil Nadu
Rep. by Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Vellore District, Vellore.

4.The Asst. Elementary Educational Officer,
Kaveripakkam Panchayat Union,
Kaveripakkam, Vellore District.

... Appellants

Vs.

M.Balakrishnan
Headmaster,
Panchayat Union Elementary School,
M.T.Anna Nagar,
Kaveripakkam Panchayat Union,
Kaveripakkam, Vellore District.

... Respondents



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in WP No.26916 of 2012 dated 22.12.2023.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For Respondent : Mr.R.Saseetharan

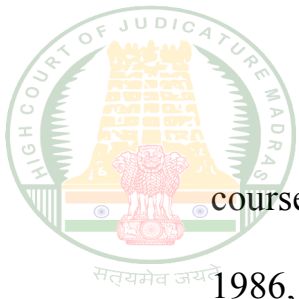
J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the Writ Court made in WP No.26916 of 2025, the reversion of the respondent from the post of Head Master of a Primary School was put in issue before the Writ Court.

2. The facts that led to the filing of the Writ Petition are as follows:

The respondent was appointed as a part time Pre Vocational Instructor (Craft Teacher) on 03.01.1979 and was made a full time Vocational Instructor on 02.06.1980. The qualification required for the post of Craft Teacher is SSLC with Technical Teaching Certificate (TTC). During the



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course of his employment, he also acquired B.A. Literature in Tamil in April 1986, B.Ed. in August 1988 and M.A. in the year 1994. Finding that there were no promotional avenues for the post of Craft Instructors, he along with two others filed a Writ Petition in WP No.25803 of 2005 seeking a Mandamus to direct the first and second respondents therein to create promotional avenues for Pre Vocational Instructors, particularly to the posts of Primary School Head Master, B.T. Assistant and Middle School Head Master.

3. The learned Single Judge, who heard the Writ Petition by order dated 17.12.2007 issued a Mandamus directing the Authorities to amend the Rules to provide for promotion to Pre Vocational Instructors who acquired further qualification while in service. The learned Single Judge also relied upon the judgment of the Hon'ble Supreme Court in ***Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Government of Bihar and others***, reported in ***1988 (Supp) SCC 519***. This order of the learned Single Judge dated 17.12.2007 was subject matter of challenge in WA No.1824 of 2009, a Division Bench disposed of the Writ Appeal with the following observations:

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“4. We, however, feel that the respondents could certainly be considered for the post of Headmaster in a Primary school if they had put in sufficient period of service and if they had obtained B.Ed. qualification, although they might have joined initially without that qualification. The direction of the learned single Judge to consider the representation of the respondents ought to have been honoured by now. In any case, the learned Special Government Pleader has made a statement that the representation of the respondents will be considered and decided within a period of four weeks from today, i.e., by the end of December, 2009. That is necessary, particularly considering the fact that the first respondent herein is due to retire in May 2010, as stated by the learned counsel appearing for the respondents

5. As far as the second direction of the learned



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single Judge, viz. that the state should carry out appropriate amendments in the Service Rules is concerned, the learned Special Government Pleader submits that such a direction could not have been issued. We quite see the merit of the submission of the learned Special Government Pleader. We clarify that this part of the order of the learned Single Judge shall be treated as a suggestion coming from the Court for consideration of the Government.”

4. After the order in the Writ Appeal, the respondent was promoted as Primary School Head Master on 21.05.2010 while he was serving so, by the order impugned in the Writ Petition dated 24.09.2012, he was reverted to the post of Pre-Vocational Instructor (Craft Teacher) on the ground that the Government by letter dated 24.12.2009 has rejected the suggestion made by the Court for amendment of the Rules. This Writ Petition was primarily based on the fact that the Division Bench in its order dated 11.12.2009 made in Writ Appeal No.1824 of 2009 had made it clear that the respondents therein one of whom is the respondent in this Writ Appeal would be entitled

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to promotion *dehors* the amendment of the Rules.

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5. The learned Single Judge who heard the Writ Petition after referring to the judgment of the Division Bench made in Writ Appeal No.1824 of 2009 dated 01.12.2009 concluded that the orders of reversion are actually in disobedience of the directions issued by the Division Bench. On the said finding, the Writ Court set aside the orders of reversion. Since the respondent had retired by then, the Writ Court directed that he would be entitled to all attendant benefits in the cadre of the Primary School Head Master as well as the pensionary benefits on the same strength. Aggrieved the Government is on Appeal.

6. Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the appellant would vehemently contend that since the respondent was not occupying the feeder category, he could not have been promoted as a Primary School Head Master, therefore the orders of reversion are justified. He would also point out that the Pre-Vocational Instructors (Craft Teachers) do not possess the minimum qualification



prescribed for the entry level post/feeder category for being promoted as

Head Master.

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7. We are afraid that we cannot go into the said question at this juncture. While disposing of WP No.25803 of 2005, the learned Single Judge had apart from directing promotion had also directed amendment of the Rules. The Division Bench, however, held that the directions regarding amendment of the Rules could be treated as a suggestion by this Court. On the issue of promotion, it is paragraph 4 of the order of the Division Bench dated 01.12.2009 that would govern the issue. The Division Bench had made it very clear that the respondents before it would be entitled to be considered for the post of Head Master in a Primary School, if they had put in sufficient period of service and they had obtained B.Ed qualification **although they might have joined initially without that qualification.**

Therefore, there is a positive direction by the Division Bench, insofar as the respondents before it (one of whom is the respondent before us) to promote then as Primary School Head Masters. The said order was also complied with by promoting the respondent as a Primary School Head Master on

21.05.2010.

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8. Later, the said order is recalled relying upon a letter of the Government dated 24.12.2009 which in our considered opinion is uncalled for. The letter of the Government rejecting the suggestion for amendment was available even as on the date when the respondent was promoted i.e., on 21.05.2010. Therefore, the order reverting the respondent relying upon the said letter dated 24.12.2009, in our opinion, is improper and against the directions issued by the Division Bench.

9. The learned Single Judge has only said that and had gone further to state that the order of reversion is actually in disobedience of the directions issued by the Division Bench. Now that the respondent has also retired, we do not propose to precipitate the matter by issuing a notice of contempt.

10. Hence the Writ Appeal is dismissed. We make it clear that this order will not serve as a precedent for other Craft Teachers to seek promotion. The appellants are granted 12 weeks time from the date of



receipt of a copy of this order to comply with the directions issued by the

Writ Court. There shall be no order as to costs. Consequently, the

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connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)

09.07.2025

jv

Internet : Yes

Index : No

Neutral Citation : No

Speaking order

To

- 1.The Secretary to Government,
Government of Tamil Nadu
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

jv

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