



W.A(MD)Nos.307, 308, 309 of 2010 and
W.P.(MD)No. 15223 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On :24.07.2025

Pronounced On : 13.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A(MD)Nos.307, 308, 309 of 2010 and
W.P.(MD)No. 15223 of 2011
and
M.P.(MD)No.1 of 2011

N.Isakki
Headmaster
Panchayat Union Primary School,
Vembakottai,
Vembakottai Union,
Virudhunagar District.

...Appellant in W.A.(MD) No. 307/2010
and 308/2010

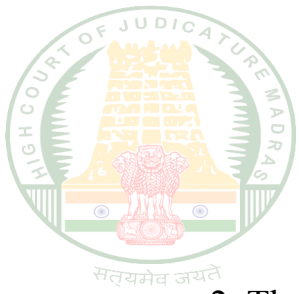
N.Isakki
Tamil Aasiriyar (Graduate),
Panchayat Union Middle School,
Pernaickenpatti,
Vembakottai Union,
Virudhunagar District

....Appellant in W.A.(MD) No. 309/2010

Vs.

1. The Director of Elementary Education,
College Road, Chennai -6.

...1st Respondent in W.A.(MD)
Nos.307/2010, 308/2010 & 309/2010



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2. The District Elementary Educational Officer,
Virudhunagar District,
Virudhunagar.

....2nd Respondent W.A.(MD)
No.307/2010, 308/2010 & 309/2010

3. R. Gurulakshmi,
Headmistress,
Panchayat Union Primary School,
Kovilchellaiyapuram,
Vembakottai Union,
Virudhunagar District

...3rd Respondent in
W.A(MD) No.307/2010

4. Prema
Headmistress,
Panchayat Union Primary School,
TNC, Alangulam,
Vembakottai Union,
Virudhunagar District.

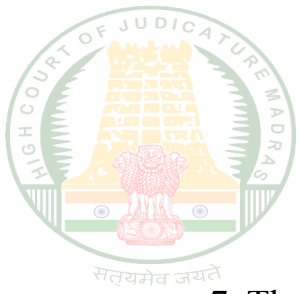
....3rd Respondent in W.A.(MD)
No.308/2010

5. M.Poongothai,
Headmistress,
Panchayat Union Primary School,
K. Vellayapuram,
Vembakottai Union,
Virudhunagar District.

...4th Respondent in
W.A.(MD) No. 307/2010 &
308/2010

6. K.Umadevi,
Headmistress,
Panchayat Union Middle School,
Muthandiyapuram,
Vembakottai Union,
Virudhunagar District.

...5th Respondent in
W.A.(MD) No.307/2010
and 308/2010



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7. The Assistant Elementary Educational Officer
Assistant Elementary Educational Office,
Vembakottai,
Virudhunagar District

....3rd Respondent in
W.A.(MD) No.309/2010

8. T.Arul Lilly Padma
B.T.Assistant,
Panchayat Union Middle School,
K.Madathupatti,
Vembakottai Union,
Virudhunagar District

....4th Respondent in
W.A.(MD) No. 309/2010

9. The Chairman
Teachers Recruitment Board,
Chennai – 600005.

...5th Respondent in
W.A.(MD) No.309/2010

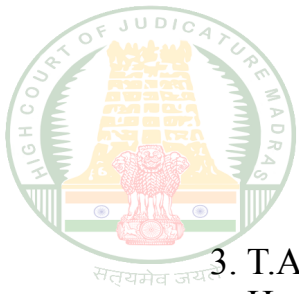
W.P.(MD) No. 15223 of 2011

N.Isakki,
S/o. I.Nallaperumal
1/191, West Street,
Vembakottai,
Virudhunagar District.

..... Petitioner

Vs.

1. The District Elementary Education Officer,
Office of District Elementary Education,
Virudhunagar District,
Virudhunagar
2. The Assistant Elementary Education Officer,
Office of Assistant Elementary Education,
Vembakottai,
Virudhunagar District.



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3. T.Arul Lillypadma,
Headmistress,
Panchayat Union Middle School,
Ayyansalwarpatti,
Vembakottai Union,
Virudhunagar District.

4. S.Ponnuvelsamy,
Headmaster
Panchayat Union Middle School,
K.Chellaiyapuram,
Vembakottai Union,
Virudhunagar District.

.....Respondents

PRAYER in W.A(MD) Nos. 307, 308 and 309 of 2010:

Appeals filed under Clause 15 of the Letters Patent, to set aside the common order in W.P.(MD) No. 4295 of 2009 (W.A.(MD)No.307/2010), W.P.(MD)No.4296 of 2009 (W.A.(MD)No.308/2010) and W.P.(MD)No. 10376 of 2009 (W.A.(MD)No.309/2010) dated 06.04.2010.

PRAYER in W.P(MD) No. 15223 of 2011 :

To issue a Writ of Certiorari or any other appropriate Writ, Order or Direction in the nature of Writ calling for the records of the 1st respondent in Na.Ka.5966/2011 dated 21.12.2011 and quash the same as illegal and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.



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PRAYER in M.P:

WEB COPY To stay the operation of the impugned order of the 1st respondent in Na.Ka.No.5966/अ4 /2011 dated 21.12.2011, till the disposal of the main writ petition and thus render justice.

APPEARANCE OF PARTIES :

- For Appellant : Mr.M.K.Sachin Rahul, Advocate
for M/s.Arulvadivel @Sekar & Associates
Mr.P.Thennavan, Advocate
in all Writ Appeals and Petitioner
in W.P.(MD)No.15223/2011
- For Respondents : Mr.J.Ashok,
Additional Government Pleader for R1 & R2
in W.A.(MD)Nos.307, 308 of 2010 and
W.P.(MD)No.15223/2011 &
for R1 to R3 in W.A.(MD)No.309/2010
- : Mr.Rithik Sushil
for Lajapathy Roy Associates
for R3 in W.A.(MD)No.307/2010
- : R4 Not ready – in notice
in W.A.(MD)No.307/2010
- : Mr.V.Panneer Selvam
for M/s.C.S.Associates
for R4 in W.A.(MD)No.309/2010
for R3 in W.P.(MD)No.15223/2011
- : Mr.Amjad Khan for TRB
for R5 in W.A.(MD)No.309/2010
- : No appearance
for R4 in W.P.(MD)No.15223/2011



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: No appearance for R5
in W.P(MD)No.307/2010

: No appearance for R3 to R5
in W.A.(MD)No.308 of 2010

COMMON JUDGMENT

[Judgment of the Court was made by DR.A.D.MARIA CLETE J.]

Heard.

2. The petitioner in the writ petition and the appellant in all three writ appeals is the same individual. The writ appeals pertain to the year 2010. Subsequently, when the petitioner filed W.P.(MD) No. 15223 of 2011, this Court, by order dated 21.02.2020, directed that it be heard along with the pending writ appeals. Consequently, the three writ appeals and the writ petition were clubbed together and heard jointly by us.

3. In essence, the dispute pertains to the fixation of inter se seniority among teachers recruited by the Teachers Recruitment Board (TRB). It concerns seniority for the posts of both Middle School Headmasters and Primary School Headmasters. It is pertinent to note that



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the TRB recruits teachers not only for Government schools but also for schools run by Municipalities and Panchayats. These three agencies function as distinct units with no provision for inter-transferability of staff. The administrative control over all Primary and Middle Schools vests with two separate authorities, namely, the Director of Primary Education and the Director of School Education.

4. It emerges that the contesting respondents in the three writ appeals, namely R. Gurulakshmi in W.A.(MD) No. 307 of 2010 and Prema in W.A.(MD) No. 308 of 2010, had earlier filed two writ petitions, W.P.(MD) Nos. 4295 and 4296 of 2009, before this Court, seeking the following reliefs:

“To call for the records relating to the list of seniority of Primary School Headmistress as on 01.03.2009 and the consequential proceedings in Na.Ka.No. 7626/A4/2008, dated 06.04.2009 passed by the 2nd respondent and quash the same as illegal insofar as it relates to the respondents 3 and 4 are concerned and consequentially to direct the 2nd respondent to revise the seniority taking into account of the rank assigned by the Teachers Recruitment Board for the appointment of the Secondary Grade Teachers in conformity with Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules 1955.”



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5. In those writ petitions, the appellant in the present appeals was arrayed as the third respondent. Subsequently, the appellant, on his part, instituted W.P.(MD) No. 10376 of 2009 seeking the following relief:

“Calling for the records relating to the list of seniority of Middle School Headmaster as on 01.01.2009 and the consequential proceedings in O.Mu.No. 4460/A4/2009 dated 26.08.2009 passed by the 2nd respondent and quash the same as illegal insofar as it relates to the fourth respondent is concerned and consequentially to direct the 2nd respondent to revise the seniority taking into account of the rank assigned by the Teachers Recruitment Board for the appointment of the Secondary Grade Teachers in conformity with Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules 1955”

6. In the writ petition filed by the appellant, Arul Lilly Padma was arrayed as the fourth respondent, whereas in the two writ petitions filed by Gurulakshmi and Prema, one M/s. Poongothai was shown as the fourth respondent. Further, one K. Umadevi got herself impleaded as the fifth respondent in those writ petitions. The learned Single Judge clubbed all three writ petitions and, by a common order dated 06.04.2010, allowed the two writ petitions filed by the respondents while dismissing the writ petition filed by the appellant. The operative portion of the order, as recorded in paragraph 36, granted the following reliefs:



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“36.For the above said reasons, the following order is passed:

i)W.P.(MD)Nos.4295 and 4296 of 2009 stand allowed and the impugned order of the second respondent, dated 06.04.2009 and the seniority list of the primary school headmaster as on 01.03.2009, insofar as it relates to the respondents 3 and 4 alone are set aside with a direction to the second respondent to revise the seniority list as per the rank list assigned by the Teachers Recruitment Board in the year 1995 insofar as relating to the petitioners and the third and fourth respondents and such exercise shall be completed by the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

ii)In respect of the fifth respondent in W.P. (MD)Nos.4295 and 4296 of 2009, K.Umadevi, her position in the impugned seniority list shall remain to be undisturbed.

iii)W.P(MD)No.10376 of 2009 stands dismissed and the list of seniority to the Middle school headmasters as on 01.01.2009 between the petitioner and fourth respondent stands upheld. However, the reasoning given in the consequential impugned order of the second respondent, dated 26.08.2009 stands set aside.”

7. Aggrieved by the common order dated 06.04.2010, the petitioner preferred the present three writ appeals. During the pendency of these appeals, the appellant sought interim stay of the operation of the said order in M.P.(MD) No. 1 of 2010 in W.A.(MD) No. 309 of 2010, which was granted on 30.04.2010. Challenging the grant of stay, the fourth respondent in W.A.(MD) No. 309 of 2010, Arul Lilly Padma, filed



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a petition in M.P.(MD) No. 2 of 2011 seeking to vacate the stay.

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8. While the writ appeals were pending, the District Primary Education Officer, Virudhunagar, by proceedings in Na.Ka.No. 5966/? 4/2011 dated 21.12.2011, demoted and transferred the appellant from the school where he was working as Headmaster, Panchayat Union Middle School, Muthandiyapuram, as Graduate Teacher (Tamil) to Panchayat Union Middle School, Peranaickenpatti. It was informed that, from the academic year 2011-2012, the school at Muthandiyapuram had been upgraded as a High School, leaving no sanctioned post of Middle School Headmaster. Consequently, based on the seniority list dated 01.01.2011, and without prejudice to the outcome of the pending writ appeals, the said transfer and demotion order was issued.

9. The appellant challenged the aforesaid demotion and transfer order by filing W.P.(MD) No. 15223 of 2011, seeking its quashing. The writ petition was admitted on 02.01.2012 and subsequently directed to be heard along with the three writ appeals, as noted earlier. On the appellant's application for interim stay, this Court observed that since the

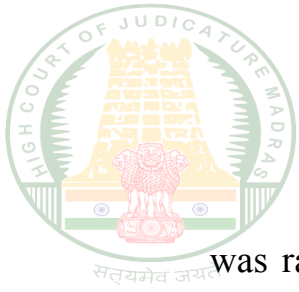


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petitioner had already been relieved from his post, any further orders would be subject to the outcome of the writ petition, and therefore declined to interfere with the order. Consequently, the disposal of the three writ appeals became a necessary precondition for adjudicating the relief sought in the writ petition.

10. The appellant contended that the Teachers Recruitment Board (TRB) prepares three separate provisional selection lists based on the marks obtained by candidates. Those securing the highest marks are grouped in the first panel for appointment as teachers in Government schools. Candidates with comparatively lower marks are placed in the second panel for appointment in Municipal and Corporation-run schools, while those with the lowest marks are included in the third panel for appointment in Panchayat Union Elementary schools.

11. The appellant's grievance was that the learned Single Judge, while disposing of the matters, failed to consider the combined list prepared by the TRB. In W.A.(MD) No. 307 of 2010, the appellant had secured Rank No. 1081, whereas the third respondent, R. Gurulakshmi,



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was ranked 1113. This position was duly acknowledged by the District Education Officer, Virudhunagar, in proceedings Na.Ka.No.3347/?4/09 dated 14.07.2009, wherein the appellant's rank was specifically recorded as 1081.

12. Similarly, the appellant contended that in the three separate provisional selection lists for Panchayat Union Elementary Schools, dated 20.06.1996, he was shown at Serial No. 1488, whereas Prema (third respondent in W.A.(MD) No. 308 of 2010) was shown at Serial No. 697. However, in the overall rank list prepared by the TRB, the appellant was assigned Rank No. 1081, while the third respondent was placed much lower at Rank No. 3500. Likewise, in the seniority list prepared for Panchayat Union Elementary Schools, dated 20.06.1996 the appellant was given Serial No. 1488, whereas the fourth respondent in W.A.(MD) No. 309 of 2010, Arul Lilly Padma, was placed at Serial No. 687.

13. The second respondent, DEEO, Virudhunagar, filed a counter affidavit in W.A.(MD) No. 309 of 2010 (4th October 2012), wherein it



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was explained that the fourth respondent, Arul Lilly Padma, was appointed as a Secondary Grade Teacher on 02.08.1995 with Rank No. 687 assigned by the TRB. The appellant, on the other hand, was appointed earlier on 27.07.1995 but was assigned Rank No. 1488 by the TRB. Both were selected through the TRB recruitment process of 1995, as per the proceedings of the Director of Elementary Education dated 18.11.2008.

14. However, with regard to the seniority list, it was stated that the same was prepared by the DEEO, Virudhunagar, pursuant to which both the appellant and the fourth respondent were promoted. The promotion list for the post of Middle School Headmaster was drawn up in accordance with the guidelines dated 18.11.2008. It was further submitted that G.O.(Ms) No. 388, Science and Technical Education Department, dated 19.06.1996, governs seniority only for the purpose of transfers and not promotions, and that promotions are to be effected solely on the basis of the seniority assigned by the TRB.



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15. It was further stated that, at the time of their initial appointment, the appellant and the fourth respondent were posted in different units, namely: (1) Government Schools, (2) Corporation/ Municipal Schools, and (3) Panchayat Union Schools. In 1995, the TRB did not prepare a combined rank list; instead, separate serial ranks were assigned for each unit. Since then, seniority lists have been prepared annually based on the respective TRB rank lists, in accordance with the proceedings of the Director of Elementary Education dated 15.11.2001.

16. Paragraph 10 of the counter affidavit explains the manner in which the appellant and the fourth respondent were appointed, which reads as follows:-

“10. It is submitted that the Rank Number was as one time and both of them were got promotion subsequently the appellant and 4th respondent got promotion on the basis of feeder category due to their date of joining without the rank hereunder on 10-10-2009 without raising any objection after getting the 2nd promotion then only the appellant has preferred a case by questioning the promotion of feeder category and challenged the integrated Rank number. Hence the said objection of the appellant by filing a case against this respondent is unacceptable one hence the appellant has not get any legal remedy against the respondents.”



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17. Paragraph 11 of the counter affidavit contains the further explanation provided by the DEEO, which reads as follows:-

“11. ...both the appellant and the 4th respondent were appointed as secondary grade teacher by TRB during the year 1995. While verifying the TRB rank rate of the appellant and the 4th respondent, it clearly revealed the fact that the ranking of appellant is far behind the ranking number of the 4th respondent i.e. the ranking number issued to the appellant by the TRB is 1488 besides Tmt. Arul Lilly Padma the 4th respondent herein allotted the ranking by the TRB is 687.”

18. In the counter affidavit filed by the fourth respondent in M.P. (MD) No. 2 of 2010 in W.A.(MD) No. 309 of 2010, paragraph 7 sets out the details regarding the service particulars of both the appellant and the fourth respondent, which reads as follows:-

“7. I submit that the petitioner and myself are working as secondary grade teacher from 1995. As far as the present union i.e. Vembakottai union is concerned I am working there from 2.8.1995 whereas the petitioner came to this union at his request and joined on 2.8.1996. Therefore once if a person makes a request for transfer he loses his seniority in the earlier unit. Based on the date of joining the petitioner was placed below me. He relies upon the Government Order which protects the ranking assigned by the Teachers Recruitment Board in respect of candidates who are transferred from one unit and another unit. Even as per the above Government Order the Board assigned to me the rank 687 and to the petitioner 1488 and that therefore he cannot have any claim over me. In



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any event the Government Order cannot have over riding effect of the rule rather take away the rights conferred on a person who is already working in the same union. Admittedly the petitioner was appointed working as secondary grade teacher in a High school i.e. school education service where as I was appointed in elementary education service. Only at his request he came to his union. Once if a person is transferred at request from one unit to another he has no right over the rank assigned by the Teachers Recruitment Board earlier. According to me the above Government Order cannot have overriding effect on the rule or legal position. In any event the Government Order has to be read in context with which it came to be issued. The Government order permitted one time transfer retaining the ranking. Therefore the petitioner is entitled to retain his ranking only if he has been transferred to another district or school in the school education service itself.”

19. After referring to Rule 35(a), the learned Single Judge, in paragraph 27 of the order under appeal, made the following observations:-

“27. While 35(a) applies to the cases where the seniority of a person in the service is to be as per candidates drawn by the TNPSC or other appointing authority, in the present case, it is not in dispute that in respect of the year 1995 when the state wide appointment was made by the Teachers Recruitment Board, it is that rank list which has to be considered and it can never be said that such list could be considered only for the purpose of first transfer and not to the subsequent transfer or promotion.”



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20. Likewise, in paragraph 28 of the order under appeal, the learned Single Judge explained the scope of Rule 35(aa) as follows:-

“28. Likewise, Rule 35(aa) applies in cases where there are more than one modes of appointment and that is equally not applicable to the present case inasmuch as it is not in dispute that the only mode of appointment in the year 1995, was through Teachers Recruitment Board.”

21. Subsequently, after referring to Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules, the learned Single Judge, in paragraph 30 of the order, summed up the issue and, while allowing the writ petitions filed by the respondents, dismissed the writ petition of the appellant. The relevant portion reads as follows:-

“30. As per the Rule 35(f), any application for revision of seniority has to be made within 3 years from the date of appointment to such service or class or category. On the facts of the present case when the appointment by the Teachers Recruitment Board in respect of the secondary grade teachers was made in the year 1995 and seniority has been maintained through out for each of the years, the petitioner in W.P.(MD)No. 10376 of 2009 who is the third respondent in W.P. (MD)Nos.4295 and 4296 of 2009 has never raised his objections for such seniority list and therefore, the prayer sought for by him in his writ petition is hit by the above said Rule. However, insofar as the petitioners in W.P.(MD)Nos.4295 and 4296 of 2009, the settled seniority list through out in these years namely, 2006,



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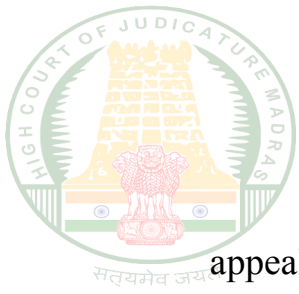
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2007 and 2008 were sought to be unsettled by a revised seniority list under the impugned seniority list followed by the impugned order, dated 06.04.2009 of the second respondent which has been objected to by the petitioners and therefore, their claim cannot said to be hit by the said Rule.”

22. With respect to the appellant, whose writ petition in W.P.(MD) No. 10376 of 2009 was dismissed, the learned Single Judge, in paragraph 23 of the order, recorded the following finding:-

“23. Inasmuch as the petitioner in W.P.(MD)No. 10376 of 2009 has been given his rank list as 1488, he cannot now turn around to say that the writ petitioners in W.P.Nos.4295 and 4296 of 2009 who are certainly given the TRB rank ahead of him saying that their marks are lessor than the marks obtained by him. As far as the fourth respondent in W.P.(MD)No.10376 of 2009, namely T.Arul Lilly Padma, the record clearly shows that the rank assigned by the Teachers Recruitment Board is 687 while the writ petitioners in W.P.Nos.4295 and 4296 of 2009 have been given as 875 and 697 respectively. The fourth respondent in W.P.(MD)Nos.4295 and 4296 of 2009 M.Poongothai also stands like that of the third respondent N.Isakki. The said fourth respondent has been assigned rank 1624 as per which she is much below the rank list of the writ petitioners.”

23. In light of the foregoing discussion, we find no infirmity in the order passed by the learned Single Judge. Accordingly, all three writ



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appeals, namely W.A.(MD) Nos. 307 of 2010, 308 of 2010, and 309 of 2010, stand dismissed. There shall, however, be no order as to costs.

24. Similarly, in view of the dismissal of the three writ appeals and the consequent confirmation of the common order dated 06.04.2010 passed by the learned Single Judge, the petitioner cannot assail the order of the DEEO, Virudhunagar, dated 21.12.2011. Accordingly, the writ petition also stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

[S.M.S., J.] [A.D.M.C., J.]

13.08.2025

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To

1. The Director of Elementary Education,
College Road, Chennai-6.
2. The District Elementary
Educational Officer, Virudhunagar District,
Virudhunagar District.
3. The Assistant Elementary Educational Officer,
Assistant Elementary
Educational Office, Vembakottai,
Virudhunagar District.
4. R. Gurulakshmi
Headmistress, Panchayat Union Primary School,
Kovilchellaiyapuram, Vembakottai Union,
Virudhunagar District.
5. M. Poongothai
Headmistress, Panchayat Union Primary School,
K. Vellayapuram, Vembakottai Union,
Virudhunagar District.
6. K. Umadevi
Headmistress, Panchayat Union Middle School,
Muthandiyapuram, Vembakottai Union,
Virudhunagar District.
7. Prema
Headmistress,
Panchayat Union Primary School,
Tnc, Alangulam, Vembakottai Union,
Virudhunagar District.



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8. T. Arul Lilly Padma
B.T.Assistant,
Panchayat Union Middle School,
K. Madathupatti,
Vembakottai Union,
Virudhunagar District.
9. The Chairman
Teachers Recruitment Board,
Chennai-600 005.



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

LS

Pre-delivery Judgments made in
W.A(MD)Nos.307, 308, 309 of 2010 and
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