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W.P.(MD) No.1617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.1617 of 2022

and

W.M.P.(MD) Nos.1416, 1417, 1418 & 1419 of 2022

S.Shanmugam

... Petitioner

-vs-

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

2.The Commissioner of School Education
DPI Complex, College Road, Chennai-600 006

3.The Joint Director of School
Education (Higher Secondary)
DPI Complex, College Road
Chennai-600 006

4.The Chief Educational Officer
O/o.the Chief Educational Officer
Dindigul District

5.S.Amal Raj Kennady

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned panel of Headmaster of High School eligible for the promotion to the post of Higher Secondary Head Master passed by the 2nd respondent vide his proceedings Nil dated 10.01.2022 and quash the same as illegal in so far as the non inclusion of petitioner's name is concerned and consequently to direct the respondents to include the petitioner's name in the panel list for the promotion to the post of Higher Secondary Head Master taking into consideration of the petitioner's seniority in the cadre of Headmaster of High School.

For Petitioner : Ms.Shapna
for M/s.Ajmal Associates

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1 to R4

ORDER

This writ petition has been filed challenging the impugned seniority panel dated 10.01.2022, published by the second respondent.



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2. The petitioner's grievance is that his name has not been included in the impugned panel list for promotion to the post of Higher Secondary Headmaster taking into consideration his seniority in the cadre of Headmaster of High School.

3. G.O.Ms.No.14, School Education [SE2(1)], dated 30.01.2020, provides that P.G.Assistants, who have passed Administrative Test-I and Administrative Test-II, alone are eligible to be promoted as Higher Secondary Headmaster. Admittedly, the petitioner has not passed the Administrative Test-I and Administrative Test-II. The petitioner made a request before the respondents 1 & 2 in person to include his name in the panel for promotion to the post of Higher Secondary Headmaster from Headmaster of High School by relaxing the conditions prescribed in G.O.Ms.No.14, School Education [SE2(1)], dated 30.01.2020, till he passes the other two required tests in view of the Covid situation. Thereafter, the second respondent published the impugned panel list for the post of Headmaster of High School, who are eligible for promotion to the post of Higher Secondary Headmaster, excluding the name of the petitioner. The petitioner is also aggrieved by the inclusion of the name of the fifth respondent, who, according to the petitioner, is his



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junior, in the impugned panel list. After filing of this writ petition, the petitioner has also retired from service in the month of June, 2022. The petitioner also received all the retirement benefits subsequent to his retirement.

4. When, admittedly, the petitioner has not satisfied the requirements of the Government Order in G.O.Ms.No.14, School Education [SE2(1)], dated 30.01.2020, which provide that the P.G.Assistants, who have passed the Administrative Test – I and Administrative Test – II, alone are eligible to be promoted as Higher Secondary Headmaster and that too when the petitioner has retired from service subsequent to the filing of this writ petition, this Court cannot entertain this writ petition.

5. The law is now well settled by the decision rendered by the Honourable Supreme Court in the case of ***Government of West Bengal and others vs. Dr.Amal Satpathi and others***, reported in ***2024 SCC OnLine SC 3512***, wherein it has been held that promotion cannot be retrospectively granted after retirement, as it requires actual assumption of duties and responsibilities of the promotional post.



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- 3.The Joint Director of School
Education (Higher Secondary),
O/o.Joint Director of School
Education (Higher Secondary),
DPI Complex, College Road,
Chennai-600 006.
- 4.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Thoothukudi District.



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ABDUL QUDDHOSE, J.

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