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W.P.(MD) No.1616 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.1616 of 2022

and

W.M.P.(MD) Nos.1406, 1407, 1408 & 1409 of 2022

Mangalavathy Jeyam Margena

... 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)
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

5.S.Gopalakrishnan

... 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 P.G.Assistants 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 for the year 2021-2022 taking into consideration of the petitioner's seniority in the cadre of P.G.Assistant.

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 her name has not been included in the impugned panel list for promotion to the post of Higher Secondary Headmaster for the year 2021 – 2022 taking into consideration her seniority in the cadre of P.G.Assistant.

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 has sent a representation dated 28.12.2021 to the first respondent requesting the first respondent to include her name in the panel for promotion to the post of Higher Secondary Headmaster from P.G.Assistant by relaxing the conditions prescribed in G.O.Ms.No.14, School Education [SE2(1)], dated 30.01.2020, till she 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 P.G.Assistant, 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



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to the petitioner, is her junior, in the impugned panel list. After filing of this writ petition, the petitioner has also retired from service on 31.03.2024. The petitioner also received all the retirement benefits subsequent to her 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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6. Since the petitioner has already retired from service, the aforesaid decision of the Honourable Supreme Court squarely applies to the case of the petitioner and therefore, the relief sought for in this writ petition cannot be granted by this Court.

7. In the result, there is no merit in this writ petition and accordingly, the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.11.2025

(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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



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- 2.The Commissioner of School Education,
DPI Complex, College Road,
Chennai-600 006.
- 3.The Joint Director of School
Education (Higher Secondary),
O/o.Joint Director of School
Education (Higher Secondary),
DPI Complex, College Road,
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ABDUL QUDDHOSE, J.

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