



W.A(MD) No.1027 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

C.M.P.(MD)No.5627 of 2020

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

2.The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Ramnad,
Ramnad District.

... Appellants / Respondents

Vs.

S.Ravi

... Respondent / Writ Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.01.2020 made in W.P.(MD)No. 1057 of 2020 and allow the writ appeal.

For Appellants : Mr.C.Venkatesh Kumar

For Respondent : No appearance

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The Government has filed this appeal challenging the order dated 21.01.2020 passed by the learned single Judge allowing W.P.(MD)No. 1057 of 2020 filed by the respondent herein. The respondent has been served and his name is printed in the cause list. But he has not chosen to enter appearance either in person or through the counsel.

2. The writ petitioner was appointed as PG Assistant on consolidated pay basis in the year 2004. His services were regularised with effect from 01.06.2006. The next promotional post is that of the headmaster of the higher secondary school. While preparing the seniority list, the writ petitioner's name was not included. This was because, his



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seniority was reckoned only with effect from 01.06.2006 and the earlier service put in by him as PG Assistant on consolidated basis was not taken into account. Aggrieved by this exclusion, the writ petitioner filed the aforesaid writ petition. The learned single Judge vide order dated 21.01.2020 allowed the writ petition in the following terms:-

“3.The issue as to whether the petitioner's seniority could be taken from the date of his original appointment in the year 2004 for the purpose of promotion to the post of Headmaster/Headmistresses of the Higher Secondary School had already come up for consideration before this Court in W.P.(MD) No.21316 & 21317 of 2015, wherein, this Court had held that the services of the petitioners therein were entitled to be taken into account with effect from the date of their original appointments of Post Graduate Assistant. Following the said order, this Court in W.P.(MD) No.21467 & 24640 of 2019 on 09.12.2019 had also passed the similar orders. Relevant paragraphs of the order dated 09.12.2019 read as follows:

5. The learned Special Government Pleader appearing on behalf of the respondents would submit that all these petitioners are under consolidated pay and therefore, they cannot be equalled and kept in par with regular Post Graduate Assistants and as such, their noninclusion in the panel does not suffer from any infirmity.

6. This Court is unable to accept the objections raised by the learned Special Government Pleader for the reason that, similarly placed Post Graduate Assistants had earlier approached this Court and after consideration of the objections of the Government, this Court had



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held that the petitioners therein were liable to be regularised and merely because the petitioners were not granted with the regular scale of pay with effect from the date of appointment, it cannot be said that their appointments were valid only from the date of regularisation and thereby, had held that the petitioners were eligible for promotion to the post of Head Masters. The relevant portion of the order reads as under:

“3.In these cases, it is not in dispute that the petitioners were appointed as Junior PG Assistant (History) and Junior PG Assistant (Tamil) respectively, with effect from 02.08.2004 and 27.01.2005 respectively. Though the said appointments were regularized by the first respondent with effect from 01.06.2006, based on G.O (Ms).No. 99, School Education Department, dated 27.06.2006. The Government Order does not render the appointment invalid till it is regularized. Merely because the petitioners were not granted the regular scale of pay with effect from the date of appointment, it can not be said that their appointments were valid only from the date of regularization. The fact that the petitioners were appointed in sanctioned posts and that their appointment in the year 2004 and 2005 respectively, were following the Recruitment Rules are not in dispute. It is only due to financial constraints, instead of appointing them in regular time scale of pay, the Government made the appointment on consolidated pay. Since the appointments were made in the regular post, merely because the regular time scale of pay was denied to the petitioners for some time, there is no reason to hold that the appointments made earlier on adhoc basis would disable them to claim seniority from the date of entry into service.

8.Accordingly, these Writ Petitions are allowed and the impugned orders passed by the second respondent dated 17.04.2015 and the consequential proceedings of the first respondent dated



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20.05.2015 are quashed. The respondents 1 and 2 are directed to treat the petitioners as eligible for promotion to the post of Headmasters/ Headmistresses of the Higher Secondary Schools, as per Rule. This order shall not disturb the rights of any other third party whose rights have already been crystalised. However, for the purpose of calculating seniority and for granting any other monetary benefits, the respondents are directed to treat the services of the petitioners from the date of their original appointment. Consequently, connected Miscellaneous Petitions are closed. No costs.”

7. In view of the consideration of this Court in identical cases as that of the petitioners herein, I am unable to give any credence to the objections raised by the learned Special Government Pleader. In the light of the above observations made therein and following the decision taken in the aforesaid Writ Petitions, the petitioners herein would be entitled to succeed.

8. Consequently, the prayer sought for by the petitioner in W.P. (MD) Nos.21467 of 2019 seeking for a direction to the respondents to regularise the service of the petitioners with effect from the date of their initial appointments and to pay the monetary benefits arising thereof and consequently directing the respondents to provide seniority and include petitioners in the panel of Post Graduate Assistant Teachers to be promoted to the post of Headmaster/ Headmistress of Government Higher Secondary School by taking into account the date of initial appointment stands allowed.

9. The prayer sought for by the petitioners in W.P.(MD) No. 24640 of 2019 seeking to call for the records relating to the impugned panel list issued by the 2nd respondent vide Na.Ka.No.3720/W. 1/E1/2019 dated 16.11.2019 and quash the same, stands allowed. Consequently the respondents are directed to regularise the service of



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the petitioner with effect from 25.06.2004 and include him in the panel of Post Graduate Assistant Teachers to be promoted to the post of Headmaster/Headmistress of Government Higher Secondary School stands allowed.

4.The aforesaid extract is self explanatory. In view of the stand taken by this Court, confirming that the petitioners therein are entitled for promotion to the post of Headmaster/Headmistresses, by taking into account their original date of appointments, this Court is not in a position to take any contrary view. Following the said decision, the petitioners herein will also be entitled to succeed.

5.In the light of the above observations, the impugned order dated 16.11.2019 passed by the second respondent in Na.Ka.No. 3720/W. 1/E1/2019 is hereby quashed. Consequently, the second respondent is directed to fix the seniority of the petitioner by taking into account of his original date of appointment in the year 2004 for the purpose of promotion to the post of Headmaster/Headmistresses in the Higher Secondary Schools. Such an exercise shall be completed atleast within a period of six weeks from the date of receipt of a copy of this order.”

3. The question that calls for consideration is whether the approach of the learned single Judge is incorrect. The relevant Rule pertaining to promotion to the post of headmaster / headmistress of the higher secondary school sets out the eligibility requirement as follows:-



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“(iii)(a) Experience for a period of not less than ten years as B.T Assistant or Pundit or Pandits or Post Graduates Assistant in Academic Subjects or Post Graduates Assistants in Language in Secondary Schools or Training School or higher secondary school recognized by the Director of School Education subsequent to acquiring a teaching degree iv) must have passed the Account Test for Executive Officers or the Account Test for Subordinate Officers (Part I)”

4. The expression employed above is “experience”. Even though the writ petitioner's service had been regularised only with effect from 01.06.2006, the fact remains that he had experience as PG assistant since 2004. That is why, the learned single Judge quashed the tentative seniority list and directed that experience gained by the writ petitioner as PG assistant on consolidated pay should also be taken into account. The approach adopted by the learned single Judge is in consonance with the relevant statutory rule. Interference with the said order is not warranted.



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5. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
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