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W.P.(MD)NO.8500 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.8500 of 2019 AND

W.M.P.(MD)No.6648 of 2019

1. Vasudevan

2. M.Mahendran

... Petitioner

Vs.

1. The Principal Secretary,
Department of School Education,
St. George Fort,
Chennai.

2. The Director,
Department of School Education,
DPI Campus,
College Road,
Chennai.

3. Tamil Nadu High and Higher Secondary School
Headmaster Association,
Rep. by its General Secretary,
F3, Olive Quarters Railway Gate Street,
Oorapakkam,
Chennai – 603 211.

4. S.Arumugam,
Headmaster,
Government Higher Secondary School,
Punavasipatti,
Karur District – 639 105.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent in Tamil Nadu High Secondary Educational Service Rules in Rule 2(b)(i)(ratio of 2:7) for High School Head Master and PG Assistant) and the same was amended as per G.O.Ms.No.14 School Education Department dated 30.01.2020 and quash the same and consequently, direct the 1st and 2nd respondents to consider both the High School Head Master and Post Graduate Assistant equally (without the 2:7 ratio) for the promotion of Higher Secondary School Head Master and to prepare a combined seniority list for P.G.Assistant and High School Head Master for Higher Secondary School Head Master post within a time stipulated by this Court.

For Petitioner : Mr.R.Lakshmanan

For Respondents : Mr.T.Amjad Khan,
Government Advocate for R-1 & R-2.

* * *

J U D G M E N T

Heard both sides.



2. The writ petitioners are presently working as P.G.Assistants in a Government Higher Secondary school. The promotional post is that of Headmaster in Higher Secondary school. The Headmasters working in high schools as well as the P.G.Assistants working in higher secondary schools are eligible to be considered for the said post. For the post of Head Master in higher secondary schools, the Government had fixed the ratio of 2:7 as per Rule 2(b)(i) of the Special Rules for the Tamil Nadu Higher Secondary Educational Service, while the head masters working in high schools or the P.G.Assistants working in higher secondary schools. Challenging the aforesaid fixation of ratio, this writ petition has been filed.

3. The learned counsel appearing for the writ petitioners contended that such fixation of ratio is unconstitutional.

4. There may be some force in this contention. But then, we notice that the issue was already settled by the Madras High Court vide order dated **19.12.2023 in W.P.No.819 of 2021 etc. batch (A.Ramu Vs. The Government of Tamil Nadu, Rep. by its Principal Secretary, School Education Department, Chennai)**. The Hon'ble



Division Bench had held as follows:-

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“ 13.In the result, the Writ Petitions are disposed of on the following terms:

(i) Rule 2 (b) (i) Special Rules for Tamil Nadu Higher Secondary Educational Institutions comprised in G.O.14, School Education Department dated 30.01.2020, in so far as the fixation of ratio of 2:7 among the feeder categories for appointment to the post of Higher Secondary Headmaster is declared as valid and in accordance with law,

(ii) It would be open for the respondents 1 to 3 to periodically revisit or review the quota between the feeder categories by taking into account the relevant factors and all the Writ Petitioners will be at liberty to make representations, whenever the respondents 1 to 3 take up the exercise of revisiting the quota and grievances of both sides can also be taken into account, while re-doing the exercise;

(iii) No costs. Consequently connected miscellaneous petitions are closed.”

5. The learned counsel appearing for the writ petitioners submitted that when the Government had to revisit the issue periodically, they have not done so till date.



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6. We cannot agree with the aforesaid submission. The Hon'ble First Bench had observed that it would be open to the respondents to periodically revisit or review the quota. The word "open" gives choice to the Government. Thus, it is left to the Government to revisit or review the quota. We cannot compel the Government to undertake this exercise. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
10th December 2025

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

PMU

To:

1. The Principal Secretary,
Department of School Education,
St. George Fort,
Chennai.
2. The Director,
Department of School Education,
DPI Campus,
College Road,



Chennai.

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