



W.A(MD) No.1135 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.08.2025

CORAM

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

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- 1.The Director of Elementary Education,
College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
Ramanthapuram, Ramanathapuram District.
- 3.The District Elementary Education Officer,
Ramanathapuram, Ramanthapuram District.
- 4.The Assistant Elementary Educational Officer,
Thiruppullani Union,
Ramanathapuram District.

... Appellants / Respondents 1 to 4

Vs.

S.Anitha (died)

... Respondent / Writ Petitioner

Dharmaraj
(The respondent is *suo motu* substituted
in the place of the deceased respondent by this
Court vide order dated 18.08.2025)



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 25.02.2020 passed in W.P. (MD)No.5586 of 2012.

For Appellants : Mr.C.Venkateshkumar
Special Government Pleader

For Respondent : Mr.Mohamed Zamil
for M/s.Ajmal Associates

JUDGMENT

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

Heard both sides.

2. The original writ petitioner has passed away and in her place, her husband has come on record. The writ petitioner was working as secondary grade teacher in the Panchayat Union Elementary School, Lanthai, Thirupullani Union, Ramanathapuram District. In the year 2011, according to the writ petitioner, there was a vacancy in the post of BT Assistant (Maths) in the Panchayat Union Middle School, Thiruppullai Union. Subsequently, the said middle school was upgraded



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as High School. That is how, when counselling was held on 17.12.2011, the post was shown as vacant. According to the writ petitioner, suppression of the vacancy on the earlier occasion was due to malafide reason. She therefore demanded that she must be promoted as BT Assistant. Her request was rejected by the competent authority vide proceedings dated 13.01.2012. Challenging the same, W.P.(MD)No. 5586 of 2012 was filed. The learned single Judge vide order dated 25.02.2020 disposed of the writ petition in the following terms:-

“5. In an earlier occasion, this Court has directed the learned Special Government Pleader to confirm as to whether there are vacancies for the post of B.T. Assistant (Maths), for which, the learned Special Government Pleader has produced the Abstract showing the details of vacancies as given below:

S.No. SCHOOL NAME SANCTIONED POSTS MATHS VACANT

1. Municipal Girls Higher Secondary School,

Ramanathapuram	6	1
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2. Government High School, Peravoor	7	1
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3. Government Higher Secondary School, Vannangundu	10	1
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4. Government High School, Kuruvadi	8	1
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6. Heard both sides.

7. From the above pleadings, it is crystal clear that though the petitioner was eligible to be promoted to the post of B.T. Assistant



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(Maths), it was denied by the respondents in earlier occasion. Subsequently, during the pendency of this Writ Petition, in obedience to the direction of this Court, the learned Special Government Pleader has submitted the details of the vacancy position of B.T. Assistant (Maths), which shows that there are four vacancies in different schools. Further, it is to be noted that the petitioner is also eligible for the said promotion. Hence, it is appropriate to issue direction to the respondents to accommodate the petitioner in any one of the school as B.T. Assistant(Maths).

8. For all the foregoing reasons, the respondents concerned are directed to restore the seniority list and place the petitioner in the right place and also promote the petitioner as B.T. Assistant(Maths) in any one of the Schools mentioned by the respondents and further directed the respondents to release all monetary benefits to the petitioner. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that the persons, who were already promoted shall not be disturbed, while the petitioner's promotion process takes place.”

Aggrieved by the same, the department has filed this writ appeal.

3. As already mentioned, during the pendency of the writ appeal, the respondent passed away and her husband had come on record. One fact is beyond dispute. It is true that there was a vacancy in the post of BT Assistant in the Panchayat Union Middle School, Thiruppullani during 2011. Subsequently, the said school was upgraded as High



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School. Vacancy in the post of BT Assistant was filled up. When there was only one post and the said post was also filled up, the writ petitioner could not have aspired for the very same post. That would lead to displacement and dislodging of the incumbent. The person who was appointed as BT Assistant in the upgraded school, was not impleaded as party respondent in the writ petition. This aspect of the matter was not taken note of by the learned single Judge. On this sole ground, the order of the learned single Judge is set aside. During the pendency of the writ appeal, pursuant to the interim order granted by the Hon'ble Division Bench, Anitha was promoted as BT Assistant vide proceedings dated 10.04.2021 and posted in the Lakshipuram Panchayat Union Middle School. She passed away on 27.04.2022. Even though the proceedings dated 24.01.2022 indicate that the said proceedings are subject to the outcome of this writ appeal, in the interest of justice, we make it clear that the writ petitioner should be deemed to have been regularly appointed to the post of BT Assistant with effect from 10.04.2021.



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4. The Writ Appeal is accordingly disposed of. No costs.

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(G.R.S., J.) (K.R.S., J.)
18.08.2025

Index : Yes / No
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