



W.A(MD)No.1501 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2025

CORAM

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

**W.A(MD)No.1501 of 2025
and
C.M.P(MD)No.8717 of 2025**

T.Johnsy Thanga Bai

**... Appellant /
Petitioner**

Vs.

- 1.The Director of School Education,
Chennai – 600 006.**
- 2.The Joint Director of School Education,
(HSE) (In-charge),
Chennai – 600 006.**
- 3.The Chief Educational Officer,
School Education Department,
Tirunelveli District.**
- 4.The Headmistress,
Government Girls Higher Secondary School,
Sankarankovil,
Tirunelveli District.**

**... Respondents /
Respondents**



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order of this Court dated 21.03.2022 in W.P(MD)No.15135 of 2016 on the file of this Court.

For Appellant : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

JUDGMENT

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

Heard both sides.

2.The appellant herein filed W.P(MD)No.15135 of 2016 seeking determination of her seniority from the date of her original appointment and also promotion to the post of PG Assistant (Commerce). The Writ Petition was dismissed vide order dated 21.03.2022. Challenging the same, this Writ Appeal has been filed.

3.The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the impugned order and grant relief as prayed for.



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4.Per contra the learned Special Government Pleader submitted that interference with the impugned order of the learned single Judge is not warranted.

5.We carefully considered the rival contentions and went through the materials on record.

6.The basic facts are not in dispute. The appellant was appointed as junior grade BT Assistant on consolidated post on 08.09.2004 by TRB. Her service was regularised on 22.08.2006. The appellant was appointed in Chennai Corporation School. The appellant wanted to take part in the counselling held in the year 2010 for the purpose of getting transfer to Tirunelveli District. She was not permitted. Hence she filed W.P(MD)No.6776 of 2010 and this Court vide order dated 14.05.2010 permitted her to participate in the counselling to be held on 19.05.2010. The appellant participated in the counselling and she was transferred to Government Higher Secondary School, Manjolai, Tirunelveli District at her own request. Since a substitute teacher could not be found, she was not relieved from the Chennai Corporation School. The appellant therefore filed one more writ petition in W.P(MD)No.10285 of

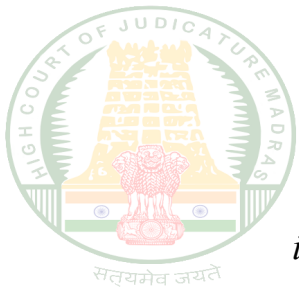


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2010. The Writ Petition was allowed vide order dated 30.08.2010 and the petitioner was relieved from Chennai Corporation School and transferred to Government Higher Secondary School, Manjulai. The petitioner joined in the transferred place on 22.11.2011. In the year 2016, vacancies arose in the posts of PG Assistant (Commerce). Since the writ petitioner's seniority was reckoned with effect from 22.11.2011, her name was not included in the promotion panel. Challenging her exclusion, W.P(MD)No.15315 of 2016 was filed. The Writ Petition was dismissed by the learned single Judge in the following terms:

“7. The petitioner was transferred from Chennai Municipal Corporation to the Government School based on her own request. as per G.O.(1D)No.129, School Education (E1) Department, dated 09.05.2013 and G.O.Ms.No.209, School Education, dated 08.05.1997 stated supra, the petitioner's seniority to the earlier unit of Chennai Municipal Corporation is terminated. Therefore, her seniority is maintained from 06.10.2010 onwards in the impugned tentative transfer cum promotion list of B.T. Assistant to P.G. Assistant. There are 128 persons and the respondents have taken the seniority from the year 2009 onwards. Since the petitioner's seniority is from 2010 onwards, the respondents have not included the petitioner's name in the proceedings Na.Ka.150616/W3/E2/2016, dated Nil.07.2016.

8. Whenever any transfer from one unit to another unit is granted then the employee would be placed as junior most

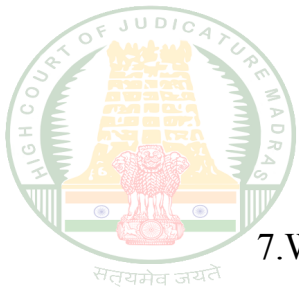


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in the said unit. Likewise, whenever the employee is transferred from one department to another department, then also the employee would be placed as junior most in the said new department. In the present the Corporation School is a different set of schools and the Government Schools are different set of schools. If any employee is seeking transfer from Corporation School to Government School, then the employee ought to forge the seniority maintained in the earlier school. The petitioner was transferred from Corporation School to Government School based on the Court's order. Then the petitioner was relieved from the Corporation School based on the Court's order. Now the petitioner is claiming promotion, but the petitioner cannot claim promotion in a short cut method. Therefore, this Court is of the considered opinion that rightly the petitioner's name was not included in the said tentative list, wherein in the list the persons who are having seniority of 2009 or prior to 2009. The petitioner is eligible to be considered for the next panel i.e. when the respondents are considering the persons from 06.10.2010, onwards. The petitioner's name may be considered from 2010 onwards are not prior to 2010. Hence, the respondents are directed to consider the petitioner's name taking the seniority as 06.10.2010. The said exercise shall be completed within a period of four weeks."



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7. We cannot accede to the request of the appellant for more than one

reason. The cause of action dates back to the year 2016. It is true that the appellant filed the writ petition immediately thereafter. But the writ petition was dismissed 21.03.2022. This Writ Appeal has been listed for admission only today. Thus, there is a gap of more than three years and three months between the dismissal of the writ petition and the admission of this writ appeal. During these 10 years, much water would have flown under the bridge.

8. It is relevant to note that transfer of the writ petitioner from Chennai to Manjulai took place at her own request. She was originally under the control of Chennai corporation. She then moved to Education Department. When the transfer was made at the request of the appellant, she has to necessary forego the seniority that had accrued in her favour when she was working in the Chennai Corporation School. It is on this basis, the learned single Judge non-suited the petitioner.

9. There is yet another reason. It is well settled that a seniority list is published every year. The appellant obviously knew that her seniority was reckoned only from the date of joining in Manjulai Government Higher Secondary School. If she had any grievance, she ought to have protested and



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filed the Writ Petition in the year 2012 itself. She chose to wake up only when her name was excluded from the promotion panel. Thus the writ petitioner has to be shown the door on the ground of laches also. We do not find any merit in this Appeal.

10.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
13.06.2025

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

To

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