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W.P.(MD) No.20399 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.20399 of 2021

S.Gnanadoss Arul Manickam

... Petitioner

-VS-

1.The Principal Secretary
The Education Department
The Government of Tamil Nadu
St.George Fort, Secretariat
Chennai

2.The Director of School Education
O/o.Director of School Education
D.P.I.Complex, Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent vide proceeding No.Na.Ka.No.11556/W3/S2/2021 dated 10.08.2021 and quash the same as illegal as devoid of merits and direct the respondents to promote the petitioner to the post of P.G Assistant in the vacancy for the panel year 2020 within time frame as fixed by this Court.



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For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The issue that arises for consideration in this writ petition is whether the Special Rules for the Tamil Nadu Higher Secondary Educational Service, dated 30.01.2020, through G.O.Ms.No.14, School Education [SE2(1)], dated 30.01.2020, applies to the case of the petitioner or not.

2. The petitioner claims that even though his name was found in the panel for promotion to the post of P.G.Assistant-2019, he was not promoted to the post of P.G.Assistant by applying the aforementioned Special Rules, which provides that fifty percent of the substantive vacancies in Class II and category 2 of Class III of the service shall be filled or reserved to be filled by direct recruitment; and remaining fifty percent shall be filled or reserved to be filled by recruitment by transfer.



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3. According to the petitioner, the above proviso in the Special Rules will not apply to the petitioner, since he was entitled to be promoted to the post of P.G.Assistant as early as in the year 2019 itself and he has been pursuing his promotion request even in the subsequent years. According to the petitioner, the Special Rules, referred to supra, will not apply retrospectively to the petitioner. However, the petitioner's request for promotion to the post of P.G.Assistant has been rejected under the impugned order dated 10.08.2021, passed by the second respondent, on the ground that since the petitioner had done cross major i.e., he is having the qualification in the Under Graduation level as Maths and in the Post Graduation level as Economics and the post to be promoted is for P.G.Assistant (Economics). According to the petitioner, prior to the passing of the Special Rules dated 30.01.2020, even if the candidate was having the qualification in cross major subjects in the Under Graduation level and in the Post Graduation level, he was entitled to be promoted to the post of P.G.Assistant. But, only after the Special Rules dated 30.01.2020 came in place, cross major subjects will not entitle a Teacher to get promoted to the post of P.G.Assistant. Since the petitioner claims that his name was disclosed at Serial No.85 in the promotion panel in the year 2019 itself, the reason given by the respondents for rejecting



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the petitioner's request for promotion is arbitrary and has been issued by total non-application of mind to the fact that the petitioner's name was disclosed in the promotion panel in the year 2019 itself, whereas the Special Rules came in place only on 30.01.2020.

4. As seen from the impugned order, the only reason given by the respondents for rejecting the petitioner's request for promotion to the post of P.G.Assistant is that since the petitioner is having the qualification in cross major subjects, he is not entitled for being promoted to the post of P.G.Assistant. The respondents had applied the Special Rules, referred to supra, for rejecting the petitioner's request for promotion to the post of P.G.Assistant. The petitioner categorically contends that the Special Rules, referred to supra, will not apply to him in view of the fact even prior to the issuance of the Special Rules, his name was found in the promotion panel prepared by the respondents for the year 2019 itself. Since the contention of the petitioner, as raised in this writ petition, having not been considered in the impugned order, this Court, in the interest of justice and in view of the fact that the impugned order is a non speaking order quashes the same and remands the matter to the very same respondent for fresh consideration on



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merits and in accordance with law, within a time frame to be fixed by this Court.

5. The petitioner is directed to submit his explanation to the second respondent stating as to how the Special Rules dated 30.01.2020 will not apply to him and how he is entitled to be promoted to the post of P.G.Assistant, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said explanation within the stipulated time, the second respondent, after giving due consideration to the explanation submitted by the petitioner, shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

6. With the aforesaid directions, this writ petition is disposed of.

No costs.

24.11.2025

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

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To:

- 1.The Principal Secretary,
The Education Department,
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Chennai.
- 2.The Director of School Education,
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ABDUL QUDDHOSE, J.

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