



W.P(MD)No.24275 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

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THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.24275 of 2019

and

W.M.P(MD)Nos.20885 & 20884 of 2019 and 15129 of 2021

K.Soman Nair

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai.

2.The Joint Director (Higher Secondary Schools),
College Road, Chennai.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.S.Srikumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.29830/W3/S2/2019 dated 23.01.2020 quash the same and directing the respondents 1 to 3 to refix my seniority over and above the fourth respondent from the initial appointment to the post of Secondary Grade Assistant level consequently to give further promotion to the post of PG Assistant Political Science (Malayalam Medium) as on 01.01.2019 and pay all other monetary benefits.



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For Petitioners : Mr.D.Selvanayagam
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader
For R4 : Mr.E.V.N.Siva

ORDER

The present writ petition has been filed challenging the impugned promotion order given to the fourth respondent on 23.01.2020.

2.The main ground urged by the petitioner is that the petitioner was recruited to the post of Secondary Grade Teacher on 30.09.1996, whereas the fourth respondent was appointed in that post during the year 1997. However, the official respondents without taking into consideration of the petitioner's original seniority, has promoted the fourth respondent on 23.01.2020 to the post of PG Assistant without giving promotion to the petitioner. Hence, he prays to interfere with the impugned order.

3.The said contention was totally objected by the learned Additional Government Pleader for the official respondents. He would contend that though the petitioner was appointed prior to the fourth respondent, the further promotion was given to the fourth respondent to the cadre of BT Assistant on 08.03.2006, whereas the petitioner was promoted to that post



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only in the year 2008. Therefore, at this length of time, the petitioner without challenging the initial promotion granted to the fourth respondent, cannot challenge the subsequent promotion.

4.The said contention was reiterated by the learned counsel for the fourth respondent.

5.I have given my anxious consideration to either side submissions and perused the materials.

6.The short point to be considered in the present writ petition is whether the very impugned order dated 23.01.2020 granting promotion to the the fourth respondent to the post of Secondary Grade PG Assistant, needs any interference.

7.It is an admitted fact that the feeder category to the post of PG Assistant is the post of BT Assistant. It is also an admitted fact that the fourth respondent was promoted to the post of BT assistant on 08.03.2006, whereas the petitioner was promoted to that post only during the year 2008. Therefore, not withstanding the initial recruitment seniority, namely Secondary Grade Teacher, the petitioner and the fourth respondent were



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again promoted to the post of BT Assistant, and the BT assistant post, which is the feeder category to the post of PG Assistant, the fourth respondent was senior to the petitioner. Therefore, the contention of the learned Additional Government Pleader that the promotion of the fourth respondent is in accordance with the rule is perfectly in order.

8. Apart from that, the other way of looking at the matter is that when the petitioner was promoted as BT Assistant subsequent to the fourth respondent in the year 2008, he did not chose to challenge the said promotion order. Therefore, until the petitioner challenges the initial promotion order viz., BT Assistant, he cannot challenge the consequential promotion given to the fourth respondent.

9. Further, the learned counsel for the petitioner submitted that under Section 40 of the The Tamil Nadu Government Servants (Conditions of Service) Act, the relevant date for consideration for seniority is the date on which the employee was appointed in duty. Hence, according to the petitioner, he was appointed in duty during the year 1996, whereas the fourth respondent was appointed in duty only in the year 1970 and hence, the petitioner is senior to the fourth respondent.



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10.However, this Court is not in agreement with the submissions made by the learned counsel for the petitioner as the phrase 'joined the post' referred in Section 40 of the The Tamil Nadu Government Servants (Conditions of Service) Act, deals only in respect of the feeder category, to which the person is to be promoted. Therefore, this Court absolutely does not find any merit in this writ petition.

11.In view of the above detailed discussion, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral Citation : Yes/No
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C.KUMARAPPAN, J.

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