



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

[BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT]

Date of Reserving the Order	Date of Pronouncing the Order
30.10.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
W.P.(MD) Nos. 23881, 24323, 24108
and 24645 of 2025

W.P.(MD) No. 23881 of 2025

1. P.Rekha
2. V.Prema
3. P.Suthalakshmi

W.P.(MD) No.24323 of 2025

1. M.Hemapriya
2. M.Sathishkumar
3. P.Devaki
4. N.Venkateswaram

W.P.(MD) No.24108 of 2025

1. P.Satheeshkumar
2. G.Joginder
3. K.Sudha
4. N.Venkateswaram
5. T.Murugesan



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

W.P.(MD) No.24645 of 2025

1. M.Sathish Kumar
2. M.Maheswari

... Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600009
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600006
3. The Joint Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600006

... Respondents in all WPs

PRAYER in W.P.(MD) Nos. 23881 and 24323 of 2025: The Writ of Certiorarified Mandamus has been filed calling for the records relating to impugned proceedings of the 3rd respondent in Na.Ka.No.17393/C2/E2/2024 dated 11.08.2025, quash the same as illegal and consequently direct the respondents to prepare and publish a proper year-wise panel from 2007-2008 onwards for filling up of the 2% reservation quota earmarked for Ministerial staff under the Special Rules framed under article 309 of the Constitution of India, by



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

filling up all the backlog vacancies of 737 posts (517 B.T. Assistants and 220 P.G. Assistants) strictly in accordance with seniority and eligibility by including the names of the petitioners, and appoint them as BT assistants with all consequential monetary and service benefits by considering the representation of the petitioners dated 24.08.2025 and pass such further orders as this court may deem fit.

PRAYER in W.P.(MD) No. 24108 and 24645 of 2025: The Writ of Certiorarified Mandamus has been filed calling for the records relating to impugned proceedings of the 3rd respondent in Na.Ka.No.36667/W3/E2/2024 dated 13.08.2025, quash the same as illegal and consequently direct the respondents to prepare and publish a proper year-wise panel from 2007-2008 onwards for filling up of the 2% reservation quota earmarked for Ministerial staff under the Special Rules framed under article 309 of the Constitution of India, by filling up all the backlog vacancies of 737 posts (517 B.T. Assistants and 220 P.G. Assistants) strictly in accordance with seniority and eligibility by including the names of the petitioners, and appoint them as PG assistants with all consequential monetary and service benefits and pass such further orders as this court may deem fit.

For Petitioners : Mr.V.R.Shanmuganathan (in all WPs)

For Respondents : Mr.N.Satheesh Kumar (in all WPs)
Additional Government Pleader



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

ORDER

The Writ petitions in W.P.(MD) Nos. 23881 and 24323 of 2025 have been filed to quash the impugned proceedings of the 3rd respondent in Na.Ka.No. 17393/C2/E2/2024 dated 11.08.2025 and further direct the respondents to prepare and publish a proper year-wise panel from 2007-2008 onwards for filling up of the 2% reservation quota earmarked for Ministerial staff under the Special Rules framed under article 309 of the Constitution of India, by filling up all the backlog vacancies of 737 posts (517 B.T. Assistants and 220 P.G. Assistants) strictly in accordance with seniority and eligibility by including the names of the petitioners, and appoint them as BT assistants with all consequential monetary and service benefits by considering the representation of the petitioners dated 24.08.2025.

2. The Writ Petitions in W.P.(MD) No. 24108 and 24645 of 2025 have been filed to quash the impugned proceedings of the 3rd respondent in Na.Ka.No. 36667/W3/E2/2024 dated 13.08.2025 and further direct the respondents to



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

prepare and publish a proper year-wise panel from 2007-2008 onwards for filling up of the 2% reservation quota earmarked for Ministerial staff under the Special Rules framed under article 309 of the Constitution of India, by filling up all the backlog vacancies of 737 posts (517 B.T. Assistants and 220 P.G. Assistants) strictly in accordance with seniority and eligibility by including the names of the petitioners, and appoint them as PG assistants with all consequential monetary and service benefits.

3. Heard Mr.V.R.Shanmuganathan, the learned counsel appearing for the petitioners and Mr.N.Satheesh Kumar, the learned Additional Government Pleader appearing on behalf of the respondents.

4. Mr.V.R.Shanmuganathan learned counsel for the petitioner would submit that the petitioners have joined the services as ministerial staff in the Education Department as Junior Assistant and Typist. As there was no promotional avenue for the ministerial staffs under the Education Department, the Government had issued orders in G.O.(Ms).No.175, School Education Department dated



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

19.07.2007 creating 2% promotional avenue as recruitment through transfer in the vacancies in the post of BT Assistant/ graduate teachers. Similar Government orders were issued in G.O.(4D).No.21, School Education Department dated 02.11.2011 for the vacancies in the post of PG Assistants. However, the said Government orders were kept in abeyance by G.O.(2D).No.53, School Education Department dated 27.08.2014 until the Special Rules operating the field were appropriately amended. Under G.O.(Ms).No.7, dated 20.01.2020, 2% of the 50% vacancies earmarked for promotion was to be made through recruitment by transfer from among the ministerial staffs working in the School Education Department provided that they were qualified, by way of an amendment to the Tamil Nadu School Education Subordinate Service Rules which govern the post of BT Assistant. Under the Government order in G.O.(Ms).No.212 dated 22.11.2019, similarly by making amendments to the Tamil Nadu Higher Secondary Educational Services 2% reservation was made to the post of PG Assistants. By a further Government orders in G.O.(Ms).No.13 dated 30.01.2020 and G.O.(Ms).No.14, dated 30.01.2020, new Rules were framed for both Tamil Nadu School Educational Subordinate Services and Tamil Nadu Higher



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

Secondary Education Service Rules by superseding the respective existing Rules.

5. He would submit that in respect to the BT Assistant/ graduate teachers for subjects other than English and English, 50% of the vacancies were earmarked for filling up through direct recruitment, 48% by way of promotion and 2% through recruitment by transfer from eligible ministerial staffs working in the Education Department. For Tamil subject under the new Rules, 33 1/3rd % was earmarked for direct recruitment, 64 2/3rd % was earmarked for promotion and 2% through recruitment by transfer was provided. Under the Government order in G.O.(Ms).No.14, in respect of Tamil Nadu Higher Secondary Education Service Rules, 2% of the total number of vacancies were reserved to be filled up through recruitment by transfer from eligible ministerial staffs.

6. He would further submit that by a further amendment to the respective Rules, under G.O.(Ms).No.126, dated 21.05.2025 and G.O.(Ms).No.261, dated 09.12.2024, this 2% reservation for ministerial staff which was carved out from the promotional vacancies was shifted to the vacancies earmarked for direct



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

recruitment. He would submit that these petitioners were all appointed prior to the Rules that were amended in the year 2020 and the advent of the new Rules by supersession. However, as no recruitment by transfer was carried out for the 2% vacancies, the petitioners were not given an opportunity for higher position. In this background, various persons have approached this Court seeking for a preparation of panel in respect of 2% vacancies reserved for ministerial staff in the School Education Department both to the posts of BT Assistants and PG Assistants, where directions were issued to the respondents to ascertain the vacancies from 2007 onwards and fill up the same under 2% quota till 2020.

7. He would further submit that a further batch of Writ Petitions came to be filed before this Court and were disposed of by a common order dated 21.03.2025 with a categorical direction to prepare year wise panels from 2007-08 onwards. He would submit that aggrieved against the directions issued by this Court, the Government had also filed a Review Petition and the same came to be dismissed. He would submit that under the impugned proceedings only 151 vacancies were filled up under 2% category in both the posts of BT Assistants and PG Assistants



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

without drawing a panel from the year 2007-08 contrary to the directions issued by this Court in earlier Writ Petitions. Hence, he would submit that the orders impugned ought to be quashed and the respondents should be directed to publish a proper year wise panel from 2007-08 onwards for filling up 2% reservation quota earmarked for ministerial staffs under the Special Rules framed for filling up the backlog vacancies in accordance with seniority and eligibility by including the names of the petitioners and appoint them as BT Assistants with all consequential monetary and service benefits.

8. He would further submit that under the amended Rules 2% reservation should be on the whole 100% and not on a particular category as the same was only envisaged in the new Rules which came into effect from 30.01.2020. He would submit that for vacancies that had arisen from 2007 – 2020 the amended Rules would have to be followed and on and from 30.01.2020, the new Rules would have to be followed. He would further submit that on the declared vacancies before a learned Single Judge, the respondents cannot restrict filling up of only 151 posts much lower than the vacancies admitted to by them. He would



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

further submit that juniors to the petitioners have been given promotions. Apart from that persons who have pending disciplinary proceedings and judicial proceedings have also been promoted over-looking the petitioners who were senior to them. He would also suggest to appoint a retired Judge of this Court that would be proper in this case to perform the exercise as there is a lack of transparency in the Department.

9. He would further submit that Teachers Recruitment Board is the recruiting Agency for the user department namely the School Education Department and notifications have been issued for direct recruitment notifying various vacancies. Taking note of the vacancies notified for direct recruitment then it is axiomatic that equal number of vacancies should be available for promotion and by calculating 2% of the 50% vacancies that has been notified for direct recruitment which is also available for promotion, the numbers that had been suggested under the impugned orders as vacancies from 2014 to till date is wholly unmatched. He would call upon this court to do an arithmetical calculation on that aspect and this Court would definitely arrive at an conclusion



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

that the vacancies that is to be filled up through 2% in both the posts of BT Assistants and PG Assistants would remain more than what has been claimed by the respondents. Hence, he seeks indulgence of this Court.

10. Countering his arguments, Mr.N.Satheesh Kumar learned Additional Government Pleader would submit that the service of teachers working under the School Education Department is governed by the Tamil Nadu Higher Secondary Education Service Special Rules and Tamil Nadu School Educational Subordinate Service Special Rules. The ministerial staffs appointed to the School Education Department were governed by the Tamil Nadu Ministerial Service Rules. Noting that the ministerial staffs working in the Education Department had also got themselves qualified to be appointed as teachers under the aforesaid Service Rules and that their promotional avenues were also limited, originally a Government order in the year 2007 was issued for recruiting them by transfer as BT Assistants and in the year 2011 as PG Assistants by carving out 2% of vacancies earmarked in the promotional vacancies only. He would submit that the contention of the learned counsel for the petitioner that such 2% had been carved



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

2014 and 2015 cannot claim to be promoted to vacancies which arose prior to their appointments as it would amount to recruiting them to a vacancies which arose before they are borne into the cadre of feeder category.

12. He would further submit that till the withdrawal of the Government order of the year 2007 and 2011, in the year 2014 the recruitment by transfer of these 2% ministerial staff had taken place and there were only 144 accumulated vacancies from the year 2014–15 to 2021-22 and a panel was drawn and the said vacancies were filled up. However, 39 vacancies left unfilled due to relinquishment. He would further submit that the panels for the subsequent years were not drawn due to the pending litigation challenging the inclusion of the PG Assistants to the post of High School Headmaster by way of promotion. He would submit that under the impugned orders 151 ministerial staffs have been issued with orders of recruitment by transfer and hence, all the vacancies earmarked for non-teaching staffs under 2% category had now been filled.

13. He would further submit that the recruiting agency had not only



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

notified the vacancies that arose in the School Education Department but also for all other Department such as Adi-Dravidar Welfare, Backward Welfare, Social Welfare and Corporation of Chennai, Madurai and Coimbatore. Hence, the vacancies notified are more than the vacancies that has been available with the School Education Department and in that aspect, the learned Additional Government Pleader would request this Court not to be drawn by the analogy that has been projected by the learned counsel for the petitioner and he would heavily rely upon the additional counter affidavit in that context.

14. Drawing attention of this Court to the statistics given in the same he would submit that there were 200 posts filled up by way of recruitment by transfer of the ministerial staffs as per the Government order of the year 2011. He would submit that even though, the learned Single Judge in a batch of Writ Petitions in order dated 21.03.2025 had tabulated the various vacancies as presented before the Court in paragraph 20(iv) had only directed the State Government to calculate the vacancies that arose from the year 2007-08 for filling up the 2% vacancies first. Even the admitted case of the petitioners is that this 2%



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

vacancies have been filled up till the Government order of the year 2014 where it was decided to keep in abeyance, the Government orders of the year 2007 & 2011 till the amendments are carried out to the relevant Special Rules. Hence, he prays this Court to dismiss these Writ Petitions.

15. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

16. The services of the BT Assistant and PG Assistant teachers are governed by the Tamil Nadu School Educational Subordinate Service Special Rules and Tamil Nadu Higher Secondary Education Service Special Rules. The services of the ministerial staffs of the Education Department is governed by the Tamil Nadu Ministerial Services Rules. By G.O.(Ms).No.175, Education Department dated 19.07.2007, priority was given to the ministerial staffs working in the Education Department by way of recruitment by transfer to the posts of BT Assistants and Tamil Pandits by carving out 2% in the vacancies that arose in the said posts.



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

17. Government order in G.O.(Ms).No.21, Education Department dated 02.11.2011 was issued reserving 2% for a recruitment by transfer in the post of PG Assistants also. It is to be noted that both the Government orders were issued without making any amendments to the respective Special Rules in any manner whatsoever. It is also admitted that recruitment by transfer were effected under the Government orders, but, however, it is the claim of the petitioners that such effect was given only up till the year 2011. But on the contrary, it is the Government's claim that till the year 2014 recruitment by transfers were effected from Tamil Nadu ministerial staffs of Education Department under the aforesaid reservation in both the posts of BT Assistants and PG Assistants.

18. It is further to be noted, the amendments to the aforesaid Special Rules were made under G.O.(Ms).No.7, School Education Department dated 20.01.2020 in respect of Tamil Nadu School Educational Subordinate Service Special Rules and G.O.(Ms).No.212, School Education Department, dated 22.11.2019 in respect of Tamil Nadu Higher Secondary Education Services and



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

the said amendments came to be notified on 12.02.2020.

19. Rule 3 of the Special Rules relating to Tamil Nadu School Educational Subordinate Services had been amended in such a manner to provide recruitment by transfers. For better appreciation, the same are extracted hereunder:-

“....(2) in rule 3:-

(i) in sub-rule (a), in the tabular column,

(a) item (iv) in column (2) against the expression "(1) Deputy Inspector of Schools and School Assistants" in column (1), shall be re-numbered as (v)

(b) before item (v) as so renumbered, the following shall be inserted namely:-

"(iv) (a) Recruitment by transfer from the post of Superintendent in the Tamil Nadu Ministerial Service in School Education Department

(b) If no qualified and suitable candidates are available for appointment by the method (a) above, recruitment by transfer



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

from the post of Assistant in the Tamil Nadu Ministerial Service In School Education Department;

(c) If no qualified and suitable candidates are available for appointment by the methods (a) and (b) above, recruitment by transfer from the post of Junior Assistant in the Tamil Nadu Ministerial Service in School Education Department:

Provided that out of 50% vacancies earmarked for promotion by-Recruitment by transfer, 2% (two percent) of the vacancies shall be filled up from among those staff ("Superintendents, Assistants, and Junior Assistants") who are qualified in the Tamil Nadu Ministerial Service working in the School Education Department;"

(c) item (iv)' in column (2) against the expression "School Assistants In Tamil" in column (1), shall be renumbered as (v)'

(d) before the item (v) as so renumbered, the following shall be inserted, namely:-

"(iv) (a) Recruitment by transfer from the post of Superintendent in the Tamil Nady Ministerial Service in School Education Department;



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

(b) If no qualified and suitable candidates are available for appointment by the method (a) above, recruitment by transfer from the post of Assistant in the Tamil Nadu Ministerial Service in School Education Department;

(c) If no qualified and suitable candidates are available for appointment by the method (a) and (b) above, recruitment by transfer from the post of Junior Assistant in the Tamil Nadu Ministerial Service in School Education Department;

Provided that out of 66(2/3) % vacancies earmarked for promotion by Recruitment by transfer, 2% (two percent) of the vacancies shall be filled up from among those staff ("Superintendents, Assistants, and Junior Assistants") who are qualified in the Tamil Nadu Ministerial service working in the School Education Department....."

20. The import of the amendment is that of the vacancies earmarked for promotion (English and other subjects 50%, Tamil 66(2/3) %), 2% of such vacancies shall be filled up through recruitment by transfer from among the staffs



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

namely Superintendents, Assistants and Junior Assistants in the rank stated above.

As per the said Rules, firstly such recruitment by transfer shall be made from the post of the Superintendent and if any suitable candidates are not available then from the posts of Assistants and even thereafter no suitable candidates available from the post of Junior Assistants. The said amendment had been given a retrospective effect by deeming it to have come into force on 19.07.2007 i.e., the date on issuance of the Government order in G.O.(Ms).No.175, Education Department, dated 19.07.2007.

21. As regards the Tamil Nadu Higher Secondary Education Services Special Rules are concerned the following amendment had been made:-

“.....2) in rule 2(a):-

(I) in class II:-

(a) after the item "(ii)" in column (3), against the category 1 Post Graduate Assistants in Academic Subjects" in column (2), the following Item shall be inserted, namely:-



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

"(ii-a) In case of the post of Post Graduate Assistants in Commerce, also recruitment by transfer from the category of Vocational instructors, teaching the subjects "Commerce in Higher Secondary Standards.

Explanation:

For the purpose of fixing the Inter-se-seniority

In respect of Vocational Instructors for Commerce among the category eligible for appointment to the post of Post Graduate Assistants in Commerce, the date of regular appointment in the cadre, after passing M.Com., B.Ed., degree or the date of passing M.Com., B.Ed., degree while in service whichever is later shall be taken into account for the purpose of inter-se-seniority":

(b) After the item "(iii)" in column (3), against the category "I Post Graduate Assistants in Academic Subjects" in column(2), the following item shall be added, namely:-

"(iv) (a) Recruitment by transfer from the post of Superintendent in the Tamil Nadu Ministerial Service in School Education Department;



WEB COPY



W.P.(MD) Nos. 23881, etc., of 2025

(b) If no qualified and suitable candidates are available for appointment by the method (a) above, recruitment by transfer from the posts of Assistant Steno-Typist in the Tamil Nadu Ministerial Service in School Education Department;

(c) If no qualified and suitable candidates available for appointment by the method (a) and (b) above, recruitment by transfer from the posts of Junior Assistant/ Typist in the Tamil Nadu Ministerial Service in School Education. Department."

(c) After the item "(iii)" in column (3), against the category 2 Post Graduate Assistants in Languages" in column(2), the following item shall be added, namely:

(iv) (a) Recruitment by transfer from the post of Superintendent in the Tamil Nadu Ministerial Service in School Education Department:

(b) If no qualified and suitable candidates are available for appointment by the method (a) above, recruitment by transfer from the posts of Assistant/ Steno-Typist in the Tamil Nadu Ministerial Service in School Education Department;



WEB COPY



W.P.(MD) Nos. 23881, etc., of 2025

(c) If no qualified and suitable candidates are available for appointment by the method (a) and (b) above, recruitment by transfer from the posts of Junior Assistant/ Typist in the Tamil Nadu Ministerial Service in School Education Department;"

(ii) in class III:-

(a) the categories 1 and 2 in column (2) shall be renumbered as categories "2" and "3"

(b) before the category as so renumbered the following category and entries in column (2) and (3) shall, respectively, be inserted, namely:-

"1 District Inspectors of Physical By transfer from category 2 Education" of Class III";

(3) in rule 2(b) (ii), after the third proviso, the following proviso shall be inserted, namely:-

"Provided further that 2% of the total number of substantive vacancies of all subjects and languages put



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

together in category 1 (Post Graduate Assistant in Academic Subjects) and category 2 (Post Graduate Assistant in Languages) under Class II, shall be reserved for appointment by recruitment by transfer from among those staff, who are qualified in the Tamil Nadu Ministerial Service working in the School Education Department (i.e.) "Superintendents, Assistants/Steno-Typists and Junior Assistants/Typists without fixing subject wise reservation;..."

22. The import of such amendments is that 2% of total number of substantiated vacancies of all subjects and languages put together in category 1 & 2 under class-2 shall be reserved for appointment through recruitment by transfer among the staffs namely the Superintendents, Assistants and Junior Assistants in the rank stated above. As per the said Rules, firstly such recruitment by transfer shall be made from the post of the Superintendent and if any suitable candidates are available, then from the post of Assistants and even thereafter if no suitable candidates available then from the post of Junior Assistants.

23. The aforesaid Special Rules which was issued in the year 1981 and 1985 were superseded by issuance of the Government orders in G.O.(Ms).No.13,



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

School Education Department, dated 30.10.2020 in respect of Tamil Nadu School Educational Subordinate Services and G.O.(Ms).No.14, School Education Department, dated 30.01.2020 in respect of the Special Rules for Tamil Nadu Higher Secondary Education Service and the same were notified by the Government in its Gazette notification dated 30.01.2020. The new Rules provided for three methods of appointments of graduate teachers in other subjects, Tamil and English, by direct recruitment, by promotion and through recruitment by transfer. The recruitment by transfer was on the same principle under the amended Rules as extracted supra. However, in respect of the graduate teachers for other subjects and English, the ratio had been given at 50:48:2 for direct recruitment, promotion and recruitment by transfer respectively. In respect of graduate teacher Tamil, the ratio is $33(1/3):64(2/3):2$ for direct recruitment, promotion and recruitment by transfer respectively.

24. As regards to the appointment of post of PG Assistants under the Tamil Nadu Higher Secondary Education Services Special Rules is concerned, the method of recruitment had been given as direct recruitment and recruitment by



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

transfer from the categories of Deputy Inspector of Schools and graduate teachers subjects, Post Graduate Assistants in Commerce and recruitment transfer from the ministerial staffs in the rank of Superintendent, Assistants/ Steno-typist and Junior Assistants/ Typist in the order indicated above, when there was no suitable candidates available in the ranks indicated above. The 2% of total number of substantive vacancies of all subjects put together were to be reserved for appointment through recruitment by transfer from among the ministerial staffs working in the School Education Department. From the position of the Rules extracted above, by this Court tabulates the percentage of reservation that has been envisaged under the respective Rules

a) Tamil Nadu Educational Subordinate Service Rules (BT Assistants)

.No	Under the Government Order	Other subjects/ English	Tamil
1.	G.O.(Ms).No.753.. dated 16.07.1985	-----	-----
2.	G.O.(Ms).No.7... dated 20.01.2020	2% out of 50% vacancies earmarked for promotion	2% out of 66 2/3 of vacancies earmarked for promotion



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

3.	G.O.(Ms).No.13... 31.01.2020	dated	50:48:2 ie., recruitment, promotion, recruitment transfer	direct by	33 1/3:64 2/3:2 ie., recruitment, promotion, recruitment transfer	direct by
----	---------------------------------	-------	--	--------------	--	--------------

25. From the table drawn above, it is evident that 2% of the promotional vacancies in other subjects/ English and Tamil alone had been reserved for recruitment by transfer for appointment of suitable candidates employed in ministerial services of the Education Department, by way of an amendment to the Special Rules that was issued in the year 1985. The said amendment had been given effect from 19.07.2007. Therefore, from the year 2007 till the supersession of the existing Rules, only 2% of reservation in the promotional category alone could be applied for recruitment by transfer of the ministerial staff in the Education Department. Only after the supersession of the new Rules, by the Government order dated 30.01.2020, 2% reservation had been given in the substantial vacancies that arose in the category of BT Assistants. It is further to be noted that the new Rules had again be amended by the Government by G.O.



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

(Ms).No.126, School Education Department dated 21.05.2025, wherein, this 2% reservation had been directed to be carved out from the vacancies that is sought to be filled up by direct recruitment alone.

26. In respect of Tamil Nadu Higher Secondary Education Rules till the amendment to the existing Rules of the year 1981, there has been no reservation for recruitment by transfer of the ministerial staffs. However, under the amendment dated 20.11.2019, a new method of recruitment was envisaged for recruitment by transfers of the ministerial staffs working in the Education Department and the ratio was fixed at 2% of the total number of substantive vacancies. Even under the superseded Rules the very same 2% of reservation was earmarked. However, by amendment to the new Rules by G.O.(Ms).No.261, School Education Department dated 19.12.2024, the 2% reservation for ministerial staffs of the Education Department had been carved out from the vacancies that has been earmarked for direct recruitment alone.

27. The said amendments would mean that till the amendment that was made in the year 2024, 2% of substantive vacancies in total have been earmarked



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

for recruitment by transfer of the ministerial staffs working in the Education Department. Therefore, the claim of the petitioners that for all the years 2% vacancies should have to be earmarked even for the post of BT Assistants till the supersession Rules came into force i.e., 30.01.2020 cannot be accepted. For the vacancies that arose in the post of BT Assistants from the year 2007 till 30.01.2020, it could only be for 2% of the vacancies through recruitment by transfer can only be filled by vacancies that have been earmarked for promotion. As regards to the vacancies that arose from the year 2011 in the post graduate assistants 2% of the total vacancies could be filled up by way of recruitment by transfer that too till new Rules were amended on 09.12.2024.

28. The further claim of the petitioners that the vacancies ought to have been notified from the year 2007 cannot be entertained for the simple reason that even on the admitted fact recruitment by transfers have been made under 2% reservation till 2011. Even though, it is disputed by the Government that such exercise had been made till 2014. As regards vacancies of PG Assistants, such recruitment by transfer under 2% reservation could be made only from the year



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

2011, as the amendment to include a method of recruitment by transfer of ministerial staffs working in the Education Department came into being only from the year 2011. This Court is also not inclined to enter upon the dispute as to whether any vacancy had been filled up under 2% reservation as claimed by either of the parties, but, is of the view that if a direction is issued to the respondent to publish the vacancy from the year 2007 in respect of the BT Assistants and 2011 for PG Assistants with details of the vacancies that has to be filled up in the respective years is to be made, it would give a quietus to the entire issue.

29. As rightly pointed out by the learned Additional Government Pleader, the vacancies that were notified by the recruiting Agency namely the Teachers Recruitment Board cannot be taken into account, as such vacancies not only include the vacancies in the School Education Department but also in various other Departments providing school education. This fact cannot also be disputed as the notification itself provides for filling up of vacancies not only in the School Education Department but also in respect of various other Departments including



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

the corporation schools at Chennai, Madurai and Coimbatore.

30. It is also further to be noted that it is an admitted case that the petitioners were all appointed as Junior Assistants or Typists during the recruitment years 2014-15 and therefore, they cannot also claim to be promoted to a vacancy that arose prior to them being borne in the ministerial service or even before the day when they had satisfactorily acquired a qualification to be considered for recruitment by transfer.

31. In view of the aforesaid discussions, this Court is of the considered view that 2% reservation in respect of Tamil Nadu Education Services would have to be calculated in the following manner:-

a) From 19.07.2007 till 29.01.2020 - 2% of the vacancies that is earmarked for promotion vacancies.

b) From 30.01.2020 till 20.05.2025 – 2% of the total substantive vacancies.



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

c) From 21.05.2025 – 2% of the vacancies earmarked for direct recruitment.

32. In Tamil Nadu Higher Secondary Education Services

a) From 2011 till 08.12.2024 – 2% of the total substantive vacancies.

b) From 09.12.2024 – 2% of the vacancies earmarked for direct recruitment.

33. With the reasons that has been analysed and recorded, the Writ Petition stands disposed of in the following manner:-

a) The respondents are directed to publish the vacancy position of BT Assistants from the year 2007-08 till the present academic year and also give details of the vacancies that were filled up under 2% reservation for the respective years.

b) The respondents are directed to publish the



WEB COPY

W.P.(MD) Nos. 23881, etc., of 2025

vacancy position of PG Assistants from the year 2011 till the present academic year and also give details of the vacancies that were filled up under 2% reservation for the respective years.

c) If any vacancy is left out unfilled either for want of the candidates or relinquishment of such right, then such vacancy can be filled up from the qualified candidates as per the Rules and seniority.

The above exercise shall be completed within a period of 8 weeks from the date of receipt of the copy of this order.

12.12.2025

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

To:

1. The State of Tamil Nadu,

Page 33 of 35



W.P.(MD) Nos. 23881, etc., of 2025

WEB COPY

- Rep. By its Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600009
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600006
3. The Joint Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600006

K.KUMARESH BABU, J.

Gba



WEB COPY



W.P.(MD) Nos. 23881, etc., of 2025

PRE-DELIVERY ORDER
IN
W.P.(MD) Nos. 23881, 24323, 24108
and 24645 of 2025

12.12.2025