



WEB COPY



W.A.No.1393 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1393 of 2023

and

C.M.P.No.13555 of 2023

1. State of Tamil Nadu
Rep. By its Secretary to Government
of School Education Department
Fort St.George
Chennai-600 009.
2. The Director of Elementary Education
DPI Complex
College Road,
Chennai-600 006.
3. The Chief Educational Officer
O/o. The Chief Educational Office
Nagapattinam, Nagapattinam District.
4. The District Educational Officer
O/o. The District Educational Office
Nagapattinam, Nagapattinam District.
5. The Block Educational Officer
O/o. The Block Educational Office
Thalanayar

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Nagapattinam District.

... Appellants

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vs.

K.Tamizharasi
B.T. Assistant
Panchayat Union Middle School
Marachery, Talanayar Union
Nagapattinam District.

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 08.03.2021 made in W.P.No.5258 of 2021 and allow this writ appeal.

For Appellants : Dr.R.Gouri
Government Counsel

For Respondent : No appearance

J U D G M E N T

[Made by **S. M. SUBRAMANIAM, J.,**]

The State preferred the present writ appeal challenging the writ order dated 08.03.2021 in W.P.No.5258 of 2021. The writ Court passed an order stating that the case of the respondent / writ petitioner shall be considered depending upon the decision of the Division Bench in the matter of promotion to the post of Headmaster, Middle School.

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2. The learned Government Counsel would bring to the notice of this

Court that, subsequent to the passing of the impugned order, the Division Bench of this Court decided the issue elaborately in W.A.No.107 of 2022, by judgment dated 11.07.2024 and held that Section 41 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 [hereinafter “said Act” for the sake of brevity] would not be applicable, since there are Special Rules governing the service conditions of the Teachers serving under the Elementary Education. The Special Rules for the Tamil Nadu Elementary Education Subordinate Service [hereinafter “Special Rules” for the sake of brevity] are to be pressed into service for granting promotion to the Middle School Headmasters.

3. It is needless to state that when the Special Rules are in force, general provisions would have no application. This being the legal position, the writ appeal filed in W.A.No.107 of 2022 was allowed on 11.07.2024 by Division Bench of this Court. At the outset, it is made clear by the Division Bench of this Court that the Special Rules applicable to the post of Middle School Headmasters are to be followed for granting promotion to the Teachers. It is contended that the respondent herein attained the age of superannuation and retired from service.

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(S.M.S.,J.) (N.S.,J.)
12.06.2026

Index : Yes
Neutral Citation : Yes / No
Speaking order

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**S. M. SUBRAMANIAM, J.,
and
N.SENTHILKUMAR, J.,**

mk

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