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W.P.No.807 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM:

THE HON'BLE Dr.JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 807 of 2014

and

M.P.No.1 of 2014

K.Sridevi
W/o. R.Palani Kumar,
Joint Director,
School Education Department, DPI Campus,
College Road,
Chennai-600 006.

..Petitioner(s)

Vs.

1.State of Tamil Nadu Represented by its
Secretary to Government,
School Education (A1) Department,
Fort St. George, Chennai-600 009.

2.Tamil Nadu Public Service Commission,
represented by its Secretary,
Frazer Bridge Road, VOC Nagar, Park Town,
Chennai-600 003.

3.The Director Of School Education,
DPI Campus, College Road, Chennai-600 006.

4.P.A.Naresh
Joint Director, RMSA, College Road,
Nungambakkam, Chennai-600 006.

Page No.1/13



W.P.No.807/2014

5.Tmt.S.Chellam

Joint Director, Kallar Reclamation Department,
Madurai Collectorate, Madurai-2

6.K.Sasikala,

W/o. G.Surendradas,

Director of Government Examinations,
Chennai - 06

(Sixth respondent impleaded,
vide Order dated 16.02.2026 made in
WMP.53644 of 2025 in WP.807/2014)

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying to call for the records of the 1st respondent in Letter in No.(1D) No.367/A1/2012-4, dated 12.10.2012 quash the same and consequently direct the respondents 1 to 3 herein to take the rank assigned by the Tamil Nadu Public Service Commission, vide the Bulletin dated 16.01.2002 for the purposes of fixation of seniority and consequently promote the petitioner to the post of Chief Educational officer and Joint Director on the date on which the immediate junior was promoted with all consequential monetary benefits.

For Petitioner(s):

Mr.C.Vigneswaran for
M/s.Kishore Balasubramanian

For Respondent(s):

Mr.R.Neelakandan, Addl. Advocate General,
assisted by Mr.K.H.Ravikumar,
Govt. Advocate for RR-1 and 3

Mr.B.Vijay, Standing Counsel for TNPSC – R2

Page No.2/13



W.P.No.86/2017

Mr.J.Jayamalan for Mr.S.Nedunchezhiyan for R-4

R-5 – Notice served – No appearance

Mr.C.Rajkumar for R-6

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

The petitioner has filed the present Writ Petition, praying to call for the records of the 1st respondent in Letter in No.(1D) No.367/A1/2012-4, dated 12.10.2012, quash the same and consequently direct the respondents 1 to 3 herein to take the rank assigned by the Tamil Nadu Public Service Commission, vide the Bulletin dated 16.01.2002 for the purposes of fixation of seniority and consequently promote the petitioner to the post of Chief Educational officer and Joint Director on the date on which the immediate junior was promoted with all consequential monetary benefits.

2.The writ petitioner states that pursuant to the Notification issued by the TNPSC on 18.08.1998, calling for applications from eligible candidates to fill up 22 vacancies in the post of District Educational Officer, she participated and was successful. However, since she did not possess BT/B.Ed. Degree at the time of applying for the post in terms of the Notification, she underwent Teacher Training Course before getting appointment and on acquiring the Teacher Training Certificate, she was given



appointment on 30.10.2002. Later, after declaration of probation, when the provisional list for promotion to the post of Chief Educational Officer was prepared, she had been placed behind others like the fifth and sixth respondents, who joined service on 13.09.2001 immediately after selection, since they possessed B.Ed./B.T degree even before applying for the post as per Clause 4 of the Notification issued by the Tamil Nadu Public Service Commission Bulletin, dated 01.11.1998, whereby the qualification and experience, are prescribed, and the said Clause 4 reads as follows:

“4. Qualification:-- Candidates should possess the following or equivalent qualification on the date of this notification: 18-08-1998:

For both Open Market and teacher candidates. (i.e. teachers employed in recognised aided secondary Schools:--

(i) Masters Degree of any University in the State of Tamil Nadu or a Degree of equivalent standard with not less than 50 percent of marks in the Master's Degree Examination in any one of the following subjects.--

English, Tamil, Zoology, Botany, Economics Geography Public Administration and History

Provided that a candidate possessing a degree of M.A. or M.Sc. or an equivalent Degree awarded under the grading system shall not be considered eligible for appointment unless he has obtained the said degree with 'C' or 'A' or 'B' grade.

(ii) B.T. or B.Ed., Degree of any University in the State of Tamil Nadu or a Degree of equivalent standard.

Note: Candidates who do not possess B.T. or B.Ed. Degree may also apply for vacancies to be filled from Open Market. But such candidates if selected should acquire the said qualification before appointment.



WEB COPY



W.P.No.86/2017

(iii) Must have studied Tamil under Part I or Part II of the Intermediate or Pre-University or Higher Secondary Course.

(Note. Under Paragraph 7 of the Commission's Instructions etc. to candidates will not apply to this recruitment).

Experience:-- Only for recruitment to the vacancy to be filled among from the teachers employed in recognised aided Secondary Schools:-

Teaching experience in a recognised school for a total period of not less than twelve years after acquiring the qualifications specified in item(ii) above.

..”

3.The main contention of the learned counsel for the petitioner is that when similarly placed two other persons, approached this Court seeking parity, the same was allowed by this Court, taking into consideration the period taken for getting Teacher Training Course Certificate and seniority was re-fixed. While so, the petitioner has been isolated and the parity had been denied by the order impugned. Hence, the petitioner prays to quash the order impugned and to re-fix her seniority and consequential promotion.

4.When the Writ Petition was taken up for consideration, the learned Single Judge, after considering the submissions and the case of one S.Nagaraja Murugan, who succeeded in re-fixing his seniority, had recorded his reservation in respect of the reasoning mentioned in that Writ Petition, and referred this Writ Petition to the Division



Bench for passing appropriate orders.

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5. The observations of the learned Single Judge and reasoning to refer this Writ Petition to the Division Bench, by the learned Single Judge on 03.03.2025, in the present Writ Petition, are extracted below:

“3. From the perusal of the material on record, it is seen that the entire claim of the petitioner is for grant of benefit of seniority to her in the post of Chief Educational Officer in terms of the selection list prepared by the TNPSC. In the said select list prepared by the TNPSC, the petitioner is at Sl.No.9, whereas Respondent No.4 and 5 are at Sl.Nos.10 and 11 respectively. Respondents 10 and 11 were possessing the B.Ed. Degree as on the date of their selection and appointment to the post of District Educational Officer. Admittedly, the probation of Respondents No.4 and 5 was declared much ahead of the petitioner herein. It is also not in dispute that the crucial date for preparation of panel for promotion to the post of Chief Educational Officer for the panel year 2004–05 is 01.01.2004. By 01.01.2004, the probation of the petitioner herein was admittedly not declared. Whereas the probation of Respondent No.4 and 5 was declared.

4. In terms of Rule 36(a) of the Tamil Nadu State and Subordinate Services Rules, no member of a service or class of a service shall be eligible for promotion from the category in which he was appointed to the service, unless he has satisfactorily completed his probation in that category. In terms of Rule 36(a), the question of considering the case of the petitioner for promotion to the post of Chief Educational Officer for the panel year 2004–05 does not arise. The petitioner cannot even make a claim for such promotion. As a matter of fact, the petitioner is not making any such claim for promotion for the panel year 2004–05.



WEB COPY



W.P.No.86/2017

The petitioner is fully aware that she is not eligible for promotion to the post of Chief Educational Officer for the panel year 2004–05. But surprisingly, the petitioner is making claim for seniority over and above Respondents No.4 and 5 in the cadre of Chief Educational Officer by taking into consideration the seniority over and above in the selection list prepared by the TNPSC. The selection list prepared by the TNPSC is for appointment to the post of District Educational Officer. If the petitioner is claiming for seniority in terms of the selection in the post of District Educational Officer, there is some justification for the petitioner. The select list prepared by the TNPSC has absolutely no relevancy for the purpose of preparation of seniority list in the cadre of Chief Educational Officer. The basis for relevant consideration for preparation of seniority list in the cadre of Chief Educational Officer is the date of promotion to the post of Chief Educational Officer. The rank assigned in the select list for the post of District Educational Officer absolutely has no relevancy for promotion to the post of Chief Educational Officer or further higher cadres. The promotion that was granted in favour of Respondents No.4 and 5 was not challenged at any point of time. Equally, the orders of promotion issued in favour of the petitioner herein for the panel year 2005-06 also is not under challenge and the petitioner has accepted the said promotion during the panel year 2005-06. The petitioner, without challenging the promotion orders issued in favour of Respondents No.4 and 5 and having allowed the said promotion to become final, is not entitled to make any claim for seniority over and above Respondent No.4 and 5 either in the cadre of Chief Educational Officer or in the higher cadres. The petitioner having allowed the promotion of Respondents No.4 and 5 to become final, made a claim for preparation of seniority list basing on the select list prepared by the TNPSC in the year 2001 by approaching this Court by filing W.P.No.3325 of 2012 and the said writ petition was disposed of directing for consideration of the representation submitted by the petitioner and it is on



consideration of the said representation, the order impugned herein came to be passed.

5. In the light of the above, this Court is unable to find any justification for the petitioner to make a claim for seniority over and above Respondents No.4 and 5 in the cadre of Chief Educational Officer and higher cadres or to claim any benefit on par with them.”

6. Heard both sides and perused the materials available on record.

7. From a perusal of the records, we find that:

(a) The writ petitioner who participated in the selection process, was aware of the conditions regarding the qualification and accepting the conditions, had participated in the selection process and also got successfully selected.

(b) It is an admitted fact that the petitioner, who did not possess B.T. or B.Ed. Degree at the time of application, had joined the certificate Course, i.e. The Teacher Training Course after selection, but before going into service and got her certificate to satisfy the required qualification. Only thereafter, she had been given appointment, whereas the fifth and sixth respondents and others, who were possessing B.T. or B.Ed., Degree even at the time of application, have joined service immediately on 13.09.2001, nearly a year and a month ahead of the writ petitioner. Therefore, there cannot be any justification in seeking parity with the person who had joined service prior to the writ petitioner with shortage of one year and one month service and the writ petitioner



aspired to catch up them seeking parity.

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8. Learned counsel for the petitioner relied upon the definition of the expression “appointed to a service”, as found in Rule 2(1) of the Tamil Nadu State and Subordinate Service Rules, to impress upon this Court that the period to get the Teacher Training Course Certificate, must be taken as “appointed to service” and the said Rule 2(1) reads as under:

“2. Definitions – In these rules unless there is anything repugnant in the subject or context:

Appointed to a service

(1) A person is said to be “appointed to a service” when in accordance with the rules applicable at the time, as the case may be, he discharges, for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof.

Explanation: (added in G.O.Ms.No.293, P & AR (Per.P), dt. 30.03.84) The appointment of a person holding a post borne on the cadre of one service to hold additional charge of a higher post in the same service or a post borne on the cadre of another service or to discharge the current duties thereof does not amount to appointment to the latter service.”

9. Relying upon the above definition of the expression “appointment to a service” as found in Rule 2(1) of the said Rules, the learned counsel for the petitioner contended that the period of Teacher Training Course which is prescribed as



qualification for appointment, is to be taken into account to fix the date of appointment to a service.

10. We are unable to countenance the above said submission, The expression “the training prescribed for members thereof”, cannot be read in isolation or equated with the training prescribed as pre-qualification for appointment. The expression of the term “training” indicated in Rule 2(1) of the said Rules, is the training prescribed for the members who have already been appointed in service and discharging duties on a post borne on the cadre.

11. Obviously, in this case, the writ petitioner started discharging the duties on the post borne on the cadre only from 30.10.2002. Her probation was declared on 24.01.2003. The probation period, no doubt, will be reckoned for the length of service, but not the training period which the petitioner had undergone to get herself qualified to get appointment and the said training is doubtlessly prior to the appointment and discharge of duties. Hence, the same cannot be taken into account for revising the seniority.

12. Insofar as the other two persons whom the writ petitioner claims as



similarly placed persons, are concerned, there is no doubt that they were given the advantage of parity with the fifth and sixth respondents, but to say the least, it is not only erroneous, but illegal. The learned Single Judge had rightly observed while referring the matter to the Larger Bench, in his order dated 03.03.2025, as follows:

“8. As this Court has expressed its inability to agree with the reasoning assigned in W.P.No.13555 of 2012, is inclined to refer the matter to a Division Bench for passing appropriate orders in this writ petition. Accordingly, Registry is directed to place the matter before the Hon’ble The Chief Justice for passing appropriate orders.”

13. The learned Single Judge has rightly pointed out the omission by the Division Bench in not considering Rule 36(a) of the Tamil Nadu State and Subordinate Service Rules and the actual date of eligibility to empanel in the promotional list.

14. We find that the observations of the learned Single Judge in this Writ Petition, made in his order dated 03.03.2025, are in conformity with the law and the same has to be reiterated and affirmed.

15. As a result, we hold that the petitioner herein is not entitled to seek inclusion of her name in the promotional panel 2004 – 2005, in view of the bar under Rule 36.



W.P.No.867 of 2017

WEB COPY

16. Furthermore, the date of entry into service of the present Writ Petitioner, is much later to the date of entry into service of the private respondent Nos.4 and 5. That apart, the Writ Petition itself is filed belatedly also, needs to be taken into account for dismissing the Writ Petition being devoid of merits.

17. For all the reasons stated above, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the Miscellaneous Petition is closed.

(G.J.,J.) (S.S.A.,J.)
02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. State of Tamil Nadu Represented by its
Secretary to Government,
School Education (A1) Department,
Fort St. George, Chennai-600 009.

2. Tamil Nadu Public Service Commission,
represented by its Secretary,
Frazer Bridge Road, VOC Nagar, Park Town, Chennai-600 003.

3. The Director Of School Education,
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Page No.12/13



WEB COPY



W.P.No.807 of 2014

Dr.G.JAYACHANDRAN, J

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02-04-2026