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WP No. 20456 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 20456 of 2022

R.Karthikeyan
S/o.P.Raja,
Plot No.1/ A-2 Roshini Homes
A Sector, 40 feet Station Road,
Sivasakthi Nagar,
Annanur, Chennai- 600 062

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by the Secretary,
Ministry of School Education,
Chennai.
2. The Chairman
Teachers Recruitment Board,
EVK Sampath Building
DPI Compound,
College Road,
Chennai- 600 006.
3. The Commissioner
Department of School Education,
DPI Compound, College Road,
Chennai- 600 006.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent in proceedings No.Na.Ka.No.24616 / W1 / E1 / 2019 dated 22.03.2022 and quash the same directing the 3rd respondent to consider nomination of petitioner for drawal of panel for promotion to the post of Head



Master in Government Higher Secondary School for the Year 2019 - 2020 and promote him to the Post of Head Master in Government Higher Secondary School assigning appropriate seniority considering his rank secured in the recruitment made by the Teachers Recruitment Board after consulting 2nd Respondent as the Teacher Recruitment Board adopted wrong recruitment Policy in the year of 2002.

For Petitioner(s): Mrs.Rita Chandrasekar
for Ms.R.Meenakshi

For Respondent(s): Mr.A.M.Ayyathurai
Government Advocate for R1 and R3

Mr.C.Kathiravan
Standing Counsel for R2

ORDER

The present Writ Petition is filed challenging the impugned proceedings dated 22.03.2022, inasmuch as the seniority of petitioner has been wrongly fixed pursuant to his transfer from one unit of Adi Dravidar Welfare School to the School of Education Department.

2. Learned counsel for petitioner would submit that petitioner had served in a Matriculation School at Thirupathur during the period 1994 to 1999. During the said period, he had completed B.Ed and M.Ed degrees through correspondence course. Petitioner thereafter applied for appointment to the post of Post Graduate Teacher in Navodaya School. He was selected and posted to



Navodaya School in Karnataka, where he served for a period of one year.

Petitioner was then selected to the Ministerial cadre through TNPSC Group IV Examination and served as Junior Assistant in the Directorate of College Education during the period 2000 to 2002. During 2002, the Teachers Recruitment Board (TRB) called for applications for filling up the vacancies of Post Graduate Teachers vide Advertisement No.13/2002 by conducting a written examination. Petitioner appeared for the said examination and secured 27th rank. He was allotted to Adi Dravidar Welfare School at Trichy as Post Graduate Teacher, where he served during 2002 to 2003. He was thereafter transferred to Adi Dravidar Welfare School at Arakonam, Vellore. During 2010, he was transferred to School of Education Department and posted to Government Higher Secondary School, Tiruvallur District, where he served during 2010 to 2013. He was thereafter posted to Government Higher Secondary School at Pennalurpet and later at Kadambattur, Tiruvallur District, since 2013. Petitioner is presently working as Co-ordinator for the Centre at Tiruvallur District for coaching students for competitive examinations.

3. During 2019, nominations were called for drawal of panel for promotion from Post Graduate Teacher to Higher Secondary Headmaster for the year 2019 to 2020 from those Post Graduate Teachers appointed up to the years 2002 and 2003, however, petitioner's name was not included in the panel. Aggrieved, petitioner submitted his representation dated 21.05.2018 to third



respondent herein, which came to be rejected vide order dated 22.03.2022, wherein it was *inter alia* stated that, in terms of G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976, priority in fixing seniority is applicable only for appointments made through Employment Exchange and thus inapplicable to petitioner who has admittedly been appointed through the Teachers Recruitment Board (TRB).

4. It is the case of petitioner that he ought to have been posted to the Department of School Education instead of Department of Adi Dravidar Welfare School, and necessary amendment ought to have been made in seniority list, and his name ought to have been considered in the panel for promotion to the post of Headmaster, Higher Secondary School. He would also submit that the Chief Educational Officer, Tiruvallur District recommended the case of petitioner to the respondents. Since there was inaction, petitioner submitted his representation dated 21.05.2018. However, as there was inaction on the said representation, petitioner filed a Writ Petition in W.P.No.9624 of 2019, seeking for a direction to consider the said representation and also to consider nominating petitioner while drawing the panel for promotion to the post of Headmaster in Government Higher Secondary School for the year 2019 to 2020.



5. An interim order dated 04.03.2022 came to be passed by this Court in the above Writ Petition stating that the third respondent shall file a report on the action taken on the representation dated 21.05.2018 made by the petitioner.

6. Pursuant to the above interim order, the Commissioner of School Education / the third respondent herein rejected petitioner's representation dated 21.05.2018 for fixing the seniority of petitioner in accordance with the relevant G.Os and Rules. Aggrieved, petitioner has come up with the present Writ Petition.

7. The case of the petitioner is that he is aggrieved by the impugned order inasmuch as it failed to see that petitioner was appointed through direct recruitment through Teachers Recruitment Board (TRB). It is submitted that there are more than one streams of appointment, which *inter alia* includes direct recruitment and appointment through the Employment Exchange, and fixation of seniority, according to the learned counsel for petitioner, on priority basis would only be applicable to those who have been appointed through Employment Exchange and inapplicable to those who are direct recruits.

8. The above aspect of the matter has not been considered in the impugned order, which is crucial for fixation of seniority. It is thus submitted that the impugned order, having failed to take into account the relevant factors,



stands vitiated.

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9. When this was pointed out to the learned Government Advocate appearing for respondents 1 and 3 and the Standing Counsel for second respondent, learned Standing Counsel for second respondent would submit that their role would culminate with the appointment and that they may have no role in fixing seniority pursuant to subsequent transfers. Therefore, it is only for the first respondent to answer as to how to sustain the impugned order.

10. Learned Government Advocate appearing for respondents 1 and 3 would, after initially contending that even at the time of appointment, petitioner had acceded that, pursuant to transfers, he cannot insist on seniority in any particular manner and however, it was pointed by the learned counsel for petitioner that if one reads the order of appointment, there is no such condition nor any undertaking to that effect, to which the learned Government Advocate would submit that petitioner may submit a fresh representation relying upon the relevant G.Os and the same could be considered and appropriate orders would be passed within the time frame fixed by this Court.

11. In view of the above submission of the learned Government Advocate for respondents 1 and 3, this Court directs petitioner to submit a fresh



representation relying upon the relevant G.Os before the concerned respondent within a period of two (2) weeks from the date of receipt of a copy of this order.

Upon receipt of such representation, the respondent shall consider the same and pass appropriate orders within a period of four (4) weeks from the receipt of such representation, keeping in view the relevant G.Os governing fixation of seniority. The impugned order dated 22.03.2022 stands set aside.

12. If, for any reason, the submission of learned counsel for petitioner that there are two streams and that the seniorities cannot be merged is sought to be rejected, the respondent shall do so only after assigning reasons. The order shall deal with all the aspects set out in the representation and shall be a speaking order.

13. In view of the above direction, this Writ Petition stands disposed of.

No Costs.

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

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MOHAMMED SHAFFIQ, J.

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To

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