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WP No. 22529 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 22529 of 2025

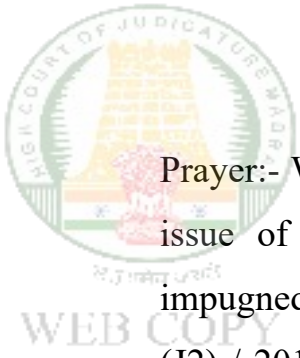
R.Ragulan
S/o.Ramamoorthy (late) No.519, South Street,
Nayaganaipriyal, Udaiyarpalayam Taluk, Ariyalur-
621 804.

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep By Its Secretary To Government Education
Department, Chennai-9.
2. The Secretary
Labour And Employment Department,
Secretariat, Chennai-9.
3. The Director Of School Education
College Road, Chennai-6.
4. The Joint Director/ Personnel
School Education, College Road, Chennai-6.
5. The Chief Educational Officer
Ariyalur.
6. The District Educational Officer
Ariyalur.

..Respondent(s)



Prayer:- Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 4th respondent vide O.Mu. No.41526/A2/ E1 (J2) / 2017 dated 29.10.2024 and quash the same and consequently direct the respondents to appoint the petitioner as Junior Assistant with retrospective effect with effect from the date of his initial appointment (i.e) from 07.10.1989, with all consequential monetary and attendant benefits, including promotion.

For Petitioner(s): Mr.S.N.Ravichandran

For Respondent(s): Mrs.S.Mythreye Chandru Spl. GP.

ORDER

Aggrieved by the rejection of his claim for appointment as Junior Assistant with retrospective effect from the date of his initial appointment, i.e., 07.10.1989, along with all consequential monetary and attendant benefits, including promotion, the petitioner is before this Court.

2. The petitioner would submit that he had submitted an application seeking appointment on compassionate grounds to the post of Junior Assistant, following the demise of his father. The petitioner possessed the requisite qualifications and was eligible to hold the post of Junior Assistant. However, due to the non-availability of vacancies in the post of Junior



Assistant, the petitioner was appointed as a Record Clerk by proceedings of the 6th respondent dated 03.10.1989 and was posted at the Government Higher Secondary School, Meensuruti where he had joined the duty on 07.10.1989.

3. Thereafter, on 04.03.1991, the petitioner had submitted a representation to the 6th respondent, seeking appointment as Junior Assistant from the date of his initial appointment, in terms of G.O. Ms.No. 1499, Labour and Employment Department, dated 03.08.1989. However, as no action was taken on the said representation, the petitioner had filed O.A. No. 553 of 1999 before the Tamil Nadu State Administrative Tribunal. By order dated 05.02.1999, the Tribunal had disposed of the petitioner's application directing the respondents therein to consider the petitioner's claim for retrospective appointment as Junior Assistant, subject to availability of vacancy.

4. Thereafter, the petitioner had submitted a representation dated 30.03.1999 to the Chief Educational Officer, Perambalur, seeking retrospective appointment. The Chief Educational Officer, by proceedings dated 07.04.1999, directed the District Educational Officer, Udayarpalayam, to take appropriate action in compliance with the Tribunal's order. Subsequently, the District Educational Officer, Udayarpalayam had promoted



the petitioner as Junior Assistant on 25.06.2002 by way of regular promotion.

However, the petitioner was not granted retrospective appointment from the date of his initial appointment.

5. The petitioner would submit that a similarly placed person, namely, Mr. Sathyanarayanan had filed W.P. No. 3480 of 2013 seeking retrospective appointment as Junior Assistant from the date of initial appointment. By order dated 23.06.2014, this Court had directed the Government to consider his claim, and consequently, by G.O. Ms. No. 221, School Education Department, dated 02.06.2016, he was granted retrospective appointment. Likewise, one Mr. Pachaiyappan had filed W.P. No. 31339 of 2007, which was allowed by this Court by taking into consideration G.O. Ms. No. 1499 dated 03.08.1989. In compliance with the same, he was granted retrospective promotion as Junior Assistant by G.O. (ID) No. 153, School Education Department, dated 20.04.2009.

6. On 26.07.2016, the petitioner had submitted a detailed representation to the 3rd respondent, seeking retrospective appointment as Junior Assistant from 07.10.1989. However, the 6th respondent, instead of forwarding the same to the competent authority, passed a rejection order dated 30.01.2017, without



jurisdiction. Aggrieved by the same, the petitioner had preferred an appeal dated 16.06.2017 to the 1st respondent. After a lapse of 7 years, once again, the authority totally unconnected, namely, the 4th respondent had rejected the appeal on the ground that the petitioner had accepted the order of appointment as Record Clerk on 08.09.1989 and thereafter he had been promoted as a Junior Assistant. Challenging the same, the petitioner is before this Court.

7. A counter has been filed by the 4th respondent, reiterating the contents of the impugned order and stating that the case of one Mr. Sathyanarayanan cannot be relied upon by the petitioner as a precedent, since such a benefit is not automatic and depends on the facts of each case. It is further stated that the 4th respondent had the necessary jurisdiction to pass the order.

8. Heard the learned counsel on either side and perused the records.

9. This Court had occasion to consider a similar issue in W.P. No. 10039 of 2022, which involved a case where, at the time of appointment on compassionate grounds, the petitioner therein was qualified to hold the post of Junior Assistant, however, he was appointed to another post, and his subsequent



request to be considered for appointment to the post of Junior Assistant from the date of his initial appointment was rejected.

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10. The Government had passed GO.Ms.No.1499 which in turn makes reference to GO.Ms.No.444 dated 23.02.1989, wherein it is stated that Record Clerks already appointed on compassionate grounds, who are qualified for the post of Junior Assistant, may be appointed as Junior Assistants by direct recruitment after obtaining the concurrence of the TNPSC. The Government had also issued a clarification in this regard, which reads as follows:-

“(I) A dependant appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds but possess the qualification required for the post of Junior Assistant at the time of initial appointment to a lower post may be appointed as Junior Assistant / Typist. This concession is allowed only to those who have already been appointed to a lower post like Record Clerk, Office Assistant, Sweeper etc. The dependants should satisfy the conditions prescribed for consideration of appointment under compassionate grounds at the time of their appointment as Junior Assistant Typist etc.



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(ii) If the dependants who are appointed to lower posts like Sweeper, Office Assistant and Record Clerk with reference to their quantifications possessed at the lime of their initial appointment and subsequently acquire qualifications prescribed for appointment as Junior Assistant / Typists they can be considered for appointment as Junior Assistant / Typist only with reference to Special rules governing the post of Junior Assistant / Typist and not with reference to the scheme of providing employment assistance on compassionate grounds”.

11. Relying upon the above Government Orders and the orders passed in WP.(MD).No.s13354 & 13355 of 2013, this Court had proceeded to allow the Writ Petition (W.P. No. 10039 of 2022) and directed the respondents therein to grant promotion and regularise petitioner therein as Junior Assistant from the date of initial appointment with consequential and attendant benefits.

12. The facts of that case would squarely apply to the facts of the present case. That apart, one Sathyanarayanan, who is a similarly placed person, had also been extended similar benefits.



13. In view of the above, this Writ Petition is allowed. The impugned order is set aside and the respondents are directed to appoint the petitioner as a Junior Assistant retrospectively from the date of his initial appointment with all consequential monetary and attendant benefits including the promotion within a period of 2 months from the date of receipt of a copy of this order. No costs.

11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

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Rep By Its Secretary To Government Education
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