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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE B.PUGALENDHI

WP(MD) No. 28966 of 2026

CNR:{HCMD011384682026}

and

WMP(MD) No.21961 of 2026

G.Balasingh
S/o.A.George,
106-h/7E, Millerpuram,
Thoothukudi District - 628 008.

..Petitioner

Vs

1. The Director of School Education
   DPI Complex, College Road,
   Chennai - 600 006.

2. The Chief Educational Officer
   O/o.The Chief Educational Officer,
   Thoothukudi,
   Thoothukudi District.

..Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka. No 76118/W1/E1/2025 dated 12.08.2026 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the Respondent No.1 to provide notional promotion to the post of Higher Secondary

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School Head Master with effect from 20.07.2024 with all attendant benefits within the time stipulated by the Court.

For Petitioner : Mr.S.Louis
For Respondents : Mr.M.Mahaboob Athiff
Special Government Pleader

O R D E R

The petitioner, who served as a PG Assistant (Economics) in the Government Higher Secondary School, Sorispuram, Tuticorin, retired from service on attaining the age of superannuation on 30.06.2026. The petitioner with a grievance that he was not provided with the promotion to the post of Headmaster that the post has not been displayed in the online counselling in a transparent manner, has raised certain issues with the Chief Educational Officer, Tuticorin. The Chief Educational Officer has rejected the request of this petitioner and the same was subjected before this Court, by way of a writ petition in WP(MD) No.23017 of 2025. The said writ petition was disposed by this Court, by order dated 25.08.2025 that this petitioner has relinquished his promotion and hence as per the applicable Rules, he cannot seek

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promotion as a matter of right for a period of three years. However, this Court, while dismissing the above writ petition has granted liberty to this petitioner to work out his remedy, claiming promotion in the future and a direction was also issued to the Director of School Education to dispose of his appeal, if any filed. The order impugned in this writ petition is the order passed by the Director of School Education on his appeal seeking notional promotion to the post of Headmaster.

2.The learned counsel for the petitioner contends that during the online counselling, the designated post was concealed from the portal and therefore, he objected to this non-disclosure and subsequently walked out of the proceedings. According to the learned counsel, this is the mistake on the part of the respondents, for which, the petitioner cannot be penalised and he is eligible for notional promotion.

3.Mr.M.Mahaboob Athiff, learned Special Government Pleader submits that by referring to the provisions under Section 48(1) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, the Director of School Education has rejected the claim of this petitioner

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that this petitioner was not having the required period of experience to be promoted as a Headmaster, in view of his relinquishment, in the relevant post at the time of consideration of promotion panel and therefore, this petitioner's case cannot be considered. He further submits that the question of notional promotion after the retirement does not arise, when this petitioner has not even served in the relevant post. In this regard, the learned Special Government Pleader is relying upon the order of the Honourable Supreme Court in ***Government of West Bengal and others Vs. Dr.Amal Satpathi and others [2024 SCC online SC 3512]*** wherein, the Honourable Supreme Court has considered the very same question in paragraph 15 and answered in paragraph 21 and the relevant portions are extracted as under:-

> *"15.The primary question that arises for our consideration in the present appeal is whether respondent No.1, who was recommended for the promotion before this retirement but did not receive actual promotion to the higher post due to administrative delays, is entitled to notional financial benefits of the promotional post after his retirement?*

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21.While we recognize respondent No.1's right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right tot he promotion itself. The legal precedents discussed above establish that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation. Considering that respondent No.1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific officer, as he did not serve in that capacity.'

4.Considering the above position of law as on date and the earlier orders passed by this Court in WP(MD) No.23017 of 2025, dated 25.08.2025, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

27-10-2026

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B.PUGALENDHI, J.

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