

M.Belli . Vs. the State of Tamil Nadu Rep. and ors.

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Court : Chennai

Decided On : Sep-21-2010

Judge : D.Hariparanthaman, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.No.39006 of 2005

Appellant : M.Belli .

Respondent : The State of Tamil Nadu Rep. and ors.

Advocate for Def. : Mrs.Lita Srinivasan, Adv.

Advocate for Pet/Ap. : Mr.V.Ravikumar, Adv.

Judgement :

1. The petitioner was working as a Secondary Grade Teacher in the Government Higher Secondary School at Thuneri, Nilgris District. He sought promotion to the post of P.G.Assistant and he made a representation dated 30.12.1998 in this regard. He filed the Original Application in O.A.No.871 of 1999 seeking promotion. The Tamil Nadu Administrative Tribunal passed an order dated 08.02.1999 directing the authorities to consider the representation dated 30.12.1998 of the petitioner, on merits and pass an order, within a stipulated time. Accordingly, the third respondent passed the impugned order dated 19.04.1999, stating that there is no provision for promotion of Secondary Grade Teacher to the post of P.G.Assistant, even if the Secondary Grade Teachers are fully qualified for the

post of P.G.Assistant.

2. In these circumstances, the petitioner has filed the Original Application in O.A.No.3793 of 2000, to quash the aforesaid order dated 19.04.1999 of the third respondent and for a direction to the respondents to promote him as a P.G.Assistant (Economics) by appointment by transfer by taking into account his educational qualification with effect from December 1988 with all attendant benefits.

3. On abolition of the Tamil Nadu Administrative Tribunal, the matter stood transferred to this Court and renumbered as W.P.No.39006 of 2005.

4. Heard Mr.V.Ravikumar, learned counsel for the petitioner and Mrs.Lita Srinivasan, learned Government Advocate for the respondents.

5. The learned counsel for the petitioner relies on G.O.Ms.No.132, Education Science and Technology Department, dated 21.02.1995, wherein 10% of P.G.Assistant posts are allotted for promoting the Secondary Grade Teachers by transfer. Para 3 and 4 of the Government Order in G.O.Ms.No.132 is extracted here-under:-

"3). The Government considered the request of the Secondary Grade and other teachers sympathetically. They consider that, in the interest of the students community the services of the teachers who have gained considerable amount of teaching experience should be properly utilised so that the standard of Education is improved. Therefore, they have decided to accept the request of the Secondary Grade teachers working under Elementary Education Subordinate Service for their appointment as School Assistants in Government High Schools and P.G.Assistants in academic and language subjects in Government Higher Secondary Schools by reserving 10% of the vacancies under direct recruitment.

4). They accordingly direct that 10% of the vacancies under direct recruitment of the posts of School Assistants in Tamil Nadu School Educational Subordinate Service and 10% of vacancies under direct recruitment of the posts of P.G.Assistants in academic subjects and languages in Tamil Nadu Higher

Secondary Educational Service be reserved for appointment by the qualified and eligible Secondary Grade Teachers coming under Tamil Nadu Elementary Education Subordinate Service."

6. The learned Government Advocate also fairly conceded that the impugned order is bad, in view of G.O.Ms.No.132 referred to above. Hence, the impugned order is quashed and a direction is issued to the respondents to consider the petitioner for the post of P.G.Assistant in accordance with G.O.Ms.No.132, Education Science and Technology Department, dated 21.02.1995, and pass orders within a period of six weeks from today.

7. Accordingly, the writ petition is allowed. No costs.

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