



W.P(MD)No.24665 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.24665 of 2016

and

W.M.P(MD)No.17784 of 2016

- 1.K.Suthanthiran
- 2.P.Krishnan
- 3.Y.Christopher Jeyakumar
- 4.K. Veerapandian
- 5.V.K.Rajamarees
- 6.T.Rajamani
- 7.K.Santhi
- 8.A.Arockiasamy

... Petitioners

Vs.

- 1.The State represented by
The Principal Secretary,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
Chennai – 6.
- 3.The Director of Elementary Education,
Chennai - 6

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the government gazette notification issued by the first respondent dated 27.06.2012 amending Special Rules for the Tamil Nadu School Education Service insofar as giving effect to the amendment with effect from 25.05.2012 is concerned and the consequential order passed by the first respondent in Letter No.15433/SE1(1) 2016-1 dated 08.07.2016 and quash the same and direct the respondents to give effect to the amendment with effect from the date of issuance of the order in G.O(Ms)No.182, School Education (A1) Department dated 25.07.2007 insofar as the petitioners are concerned.

For Petitioners : Mr.V.Panneer Selvam

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The writ petitioners were working as Assistant Elementary Educational Officers. They could not be directly promoted as District Educational Officers. The avenue for promotion to the post of District Educational Officer was through the post of High School Headmaster. The Government took a policy decision to earmark 3% of the vacancies



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in the post of High School Headmaster for Assistant Elementary Education Officers. But then, it was also noted that without formally amending the relevant recruitment rules, this decision cannot be implemented. But, the amendment was made only in the year 2012 vide G.O(Ms)No.127 School Education Department dated 25.05.2012. Pursuant to the said amendment made to the Special Rules for the Tamil Nadu School Education Service, the petitioners were also subsequently promoted as High School Headmasters. The petitioners wrote to the Director of School Education seeking retrospective promotion with effect from 2007. Their request was rejected vide letter dated 08.07.2016. Challenging the same, this writ petition has been filed.

3.The writ petitioners want that the amendments made vide G.O(Ms)No.127 dated 25.05.2012 to be brought into force with effect from 25.07.2007, when the policy decision in their favour was originally taken.

4.The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.



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5.We are not swayed by the said submissions. The Hon'ble

Supreme Court in the decision reported in **2024 INSC 906 (Government of West Bengal & Others Vs Dr.Amal Satpathi & Others)** had held that though the right to be considered for promotion is a fundamental right, there is no absolute right to promotion itself. Promotion becomes effective only upon the assumption of duties in the promotional post and not from the date of occurrence of the vacancy or the date of recommendation.

6.In the present case, the recommendation was made no doubt made in the year 2007. However, the recruitment rules were amended only in the year 2012. It is well settled that any statutory amendment can only be prospective and not retrospective.

7.The Rule specifically reads that the amendments made vide G.O(Ms)No.127 School Education Department dated 25.05.2012 shall come into force with effect from 25.05.2012 only. The petitioners cannot demand that these amendments should be retrospectively enforced. There is no legal right as such. When there is no legal right, the writ Court cannot grant any relief.



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8.This Writ Petition stands dismissed. No costs. Consequently,

connected miscellaneous petition is closed.

[G.R.S., J.] [R.P, J.]
10.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Principal Secretary,
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Chennai.
- 2.The Director of School Education,
Chennai – 6.
- 3.The Director of Elementary Education,
Chennai – 6



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