

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM :

The Hon'ble Mr.Justice D.Hariparanthaman

Writ Petition No.11854 of 2015
and
M.P.No.1 of 2015

N.Moorthy

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
3. The Assistant Elementary Educational Officer,
Uthankarai Panchayat Union,
Krishnagiri District.

... Respondents

Prayer : Writ Petition, filed under Article 226 of the Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents to consider the degree in Physics conferred by the Vinayaka Mission University (formerly known as Vinayaka Mission and Research Foundation) Salem, a deemed University, as valid in consonance with G.O.Ms.No.39, Personnel and Administrative Reforms Department, dated 30.04.2014, and consequently, to direct the respondents to include the name of the petitioner in the panel for promotion to the post of B.T. Assistant (Science) as on 01.01.2015 and consequently, to promote the petitioner to the post of B.T. Assistant (Science) in the Uthankarai Panchayat Union, Krishnagiri District forthwith.

For Petitioner : Mrs.Dakshyini Reddy
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

Mr.V.Jayaprakash Narayanan, the learned Special Government Pleader, takes notice for respondents. By consent, the main Writ Petition is taken up for final disposal, at the stage of admission itself.

2. The prayer in the Writ Petition is for issuance of Writ, in the nature of Mandamus, directing the respondents to consider the degree in Physics conferred by the Vinayaka Mission University (formerly known as Vinayaka Mission and Research Foundation) Salem, a deemed University, as valid in consonance with G.O.Ms.No.39, Personnel and Administrative Reforms Department, dated 30.04.2014, and consequently, to direct the respondents to include the name of the petitioner in the panel for promotion to the post of B.T. Assistant (Science) as on 01.01.2015 and to promote the petitioner to the post of B.T. Assistant (Science) in the Uthankarai Panchayat Union, Krishnagiri District forthwith.

3. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition is that the petitioner was appointed as Secondary Grade Teacher in the Panchayat Union Primary School, situate at Uthankarai Panchayat Union on 28.07.1999. Subsequently, he was promoted as Elementary School Headmaster with effect from 24.06.2014. Now, the grievance of the petitioner is that, though he is fully qualified to be considered for promotion to the post of B.T. Assistant, his name was not included in the panel drawn for promotion to the said post as on 01.01.2015, on the ground that the petitioner has obtained degree from Vinayaka Mission University (formerly known as Vinayaka Mission and Research Foundation) Salem, which according to the respondents is not recognized University. The petitioner states that, as per the Government Order, dated 30.04.2014, passed in G.O.Ms.No.39 Personnel and Administrative Reforms Department, the degree obtained from Vinayaka Mission and Research Foundation, Salem is valid degree. The petitioner also enclosed the said Government Order, at page No.9 of the typed-set of papers filed along with this Petition. That apart, the Principal Secretary to Government issued a letter No.37149/S/2014-1, dated 10.11.2014, clarifying that the degree or Diploma granted by the University/Institution mentioned in the said schedule -II Part -II General Rules of Tamil Nadu State and Subordinate Services Rules shall be recognized as the qualification from the date of establishment/incorporation/recognition of the university/institution or from the date of declaration of the institution as deemed to be a university under Section 3 of the University Grants Commission Act, 1956(Central Act 3 of 1956), as the case may be. Hence, the petitioner contended that non-consideration of his name in the panel prepared for promotion to the post of B.T. Assistant is against the Government Order, dated 30.04.2014. Hence, the petitioner has filed the present Writ Petition seeking for the

aforesaid relief.

4. The learned counsel appearing for the petitioner has submitted that though the petitioner has sought for direction upon respondents to consider the degree in Physics conferred by the Vinayaka Mission University (formerly known as Vinayaka Mission and Research Foundation) Salem, a deemed University, as per G.O.Ms.No.39, Personnel and Administrative Reforms Department, dated 30.04.2014, the learned counsel confined her arguments and submitted that it would be suffice if the respondents are directed to consider the claim of the petitioner, viz., for inclusion of his name in the panel drawn for promotion to the post of B.T. Assistant, in the light of the aforementioned Government Order and the clarification letter, dated 10.11.2014. The learned counsel also submitted that, in a similar case, i.e., W.P.No.29470 of 2014, this Court was pleased to direct the respondent therein, viz., the District Elementary Educational Officer, to consider the case of the petitioner therein in the light of the aforementioned Government Order. A copy of the said order, dated 12.11.2014 is also annexed at page No.15 of the typed-set of papers.

5. On the aforesaid submissions, heard Mr.V.Jayaprakash Narayanan, the learned Special Government Pleader for respondents.

6. Considering the limited scope of prayer, now sought for by the learned counsel for the petitioner, this Writ Petition is disposed of, by directing the second respondent, viz., District Elementary Educational Officer, Krishnagiri, to consider the claim of the petitioner, viz. for inclusion of his name in the panel drawn for promotion to the post of B.T. Assistant (Science) as on 01.01.2015, in the light of i) G.O.Ms.No.39, Personnel and Administrative Reforms Department, dated 30.04.2014, ii) the subsequent clarification letter, dated 10.11.2014, issued by the Principal Secretary to Government, and pass appropriate orders within a period of two weeks on merits and in accordance with law from the date of receipt of a copy of this order. No costs. Consequently, connected M.P.is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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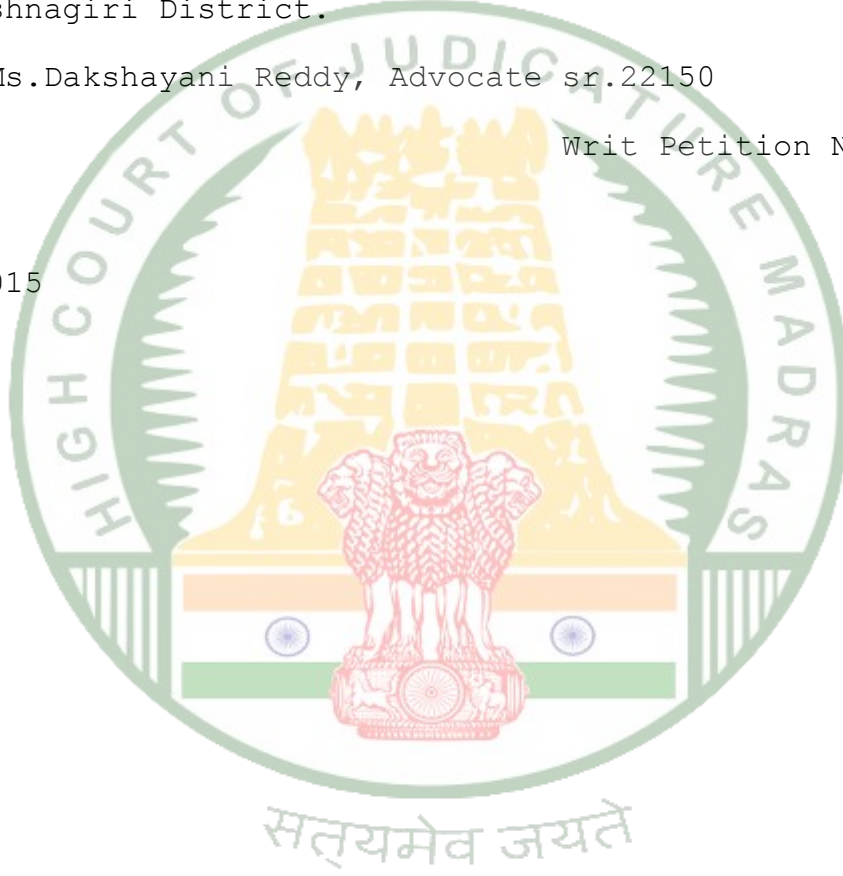
To

1. The Director of Elementary Education,
DPI Campus, College Road,
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2. The District Elementary Educational Officer,
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3. The Assistant Elementary Educational Officer,
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+1 cc to Ms.Dakshayani Reddy, Advocate sr.22150

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