



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15052 of 2015

and

M.P. (MD) .NOS.1 and 2 of 2015

K.Gomathi

.. Petitioner

Vs

1.The Secretary to Higher Education,
State of Tamil Nadu
Fort St. George
Chennai.

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

3.The Joint Director of Higher Education,
DPI Complex,
College Road,
Chennai-600 006.

4.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.

.. Respondents

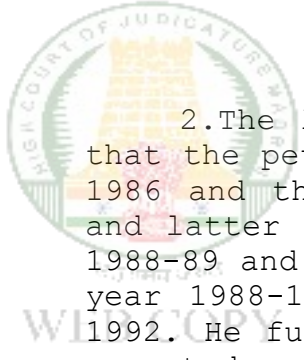
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.29698/W3/E1/2015 dated 06.08.2015 and quash the same as it is illegal and injustice and consequently direct the respondents to given promotion to the petitioner as P.G. Assistant, (English) from the date of his eligibility with all consequential benefits.

For Petitioner :Mr.M.Ajmalkhan
Senior Counsel for
Mr.N.Sivakumar

For Respondents :Mr.N.S.Karthikeyan
Addl. Govt. Pleader

ORDER

This writ petition has been filed by one K.Gomathi, challenging the impugned order, dated 06.08.2015 denying the promotion to the petitioner on the ground that the petitioner has acquired B.A., degree three years, in the year 1988, B.Ed., degree One year, during December 1989 and M.A., degree two years, during October 1990.



2.The learned Senior counsel appearing for the petitioner submitted that the petitioner was appointed as Secondary Grade Teacher in the year 1986 and thereafter, she was promoted as a B.T Assistant on 05.03.2006 and latter on, she has completed B.Ed., Diploma during the calendar year 1988-89 and she completed P.G Degree in M.A (English) during the Academic year 1988-1990 and thereafter, she completed M.Ed., Degree in the year 1992. He further submitted that though the petitioner was eligible to be promoted as P.G. Assistant even in earlier point of time, she was not promoted as P.G. Assistant for the best reasons known to the respondent. He further submitted that the respondent denied her promotion to the post of P.G. Assistant without stating any reasons and now, the impugned order has been passed mentioning strange reasons that the petitioner has acquired all the aforesaid qualifications simultaneously. Aggrieved by the same, the petitioner preferred an appeal to the second respondent on 14.08.2015. Since no order has been passed, the petitioner has come forward with this petition for the above stated relief.

3.In order to demonstrate that the impugned order has been passed wrongly, the learned Senior Counsel has produced before this Court the Minutes Of Meeting held on 29th October 2012 in the UGC Head Office and submitted that when the minutes of meeting passed by the UGC, a student enrolled in a decree programme under regular mode may be allowed to pursue a maximum of one additional degree programme under open or distance mode from the same or a different University. The respondents ought not to have found fault with the petitioner for having pursued B.A., degree three years, during May 1988, B.Ed., degree one year, during December 1989 and M.A., degree two years, during October 1990, but, this Court finds no merit on the submission, the reason is as there is no provision or rule supporting the case of the petitioner and permitting a candidate to pursue more than one degree simultaneously and on the basis of minutes of meeting, the petitioner cannot seek the same as a matter of right. Therefore, this Court finds no error in the impugned order.

4.After hearing the arguments of the learned Senior counsel, I am of the view that if the request of the petitioner for promotion is considered, then a person who is able to acquire simultaneously more than one degree will be always able to steal a march over the other candidates, who is economically not able to acquire more than one degree at a time. Therefore, the respondents have rightly refused the request of the petitioner.

5.Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

The Assistant Registrar(writs)

/True copy/

Sub-Assistant Registrar

To

1.The Secretary to Higher Education,
State of Tamil Nadu
Fort St. George
Chennai.



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

WEB COPY

3.The Joint Director of Higher Education,
DPI Complex,
College Road,
Chennai-600 006.

4.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.

+1cc to Mr.N.Sivakumar, Advocate SR.No.48242

sm:GSV-PM:07.10.2015:3P/6c

W.P (MD) No.15052 of 2015
20.08.2015