

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37221 of 2016

P.Chellammal

... Petitioner

Vs.

1. Joint Director (Personnel)
Department of School Education
DPI Campus
Chennai 600 006.

2. Chief Educational Officer
Pollachi
Coimbatore District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to revise the seniority by including the name of the petitioner in the panel for promotion to the post of BT Asst. as on 01.01.2012 (when the petitioners juniors were promoted) as per the directions of this Honourable Court in W.P.No.15296 of 2013, dated 11.06.2013 and G.O.Ms.No.165, School Education Pa.Ka.3(1) Department, dated 15.10.2014, within a time frame to be fixed by this Honourable court.

For Petitioner : Ms.Dakshayani Reddy

For Respondent : Mr.V.Ananthamoorthy
Additional Government Pleader
(Edn.)

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the 1st respondent herein to revise the seniority by including the name of the petitioner in the panel for promotion to the post of BT Assistant as on 01.01.2012 (when

the petitioner's juniors were promoted) as per the directions of this Court in W.P.No.15296 of 2013, dated 11.06.2013 and G.O.Ms.No.165, School Education Pa.Ka.3(1) Department, dated 15.10.2014, within a time frame to be fixed by this Court.

3.The petitioner would state that she was originally appointed to the post of Secondary Grade Teacher with effect from 17.02.1997 and her qualification at the time of appointment was X Standard along with Diploma in Teacher Education. Thereafter, the petitioner completed B.Litt. in Tamil and was accordingly, qualified to the post of B.T.Assistant, Tamil, but the petitioner's name was not included in the panel for promotion to the post of BT Assistant, Tamil on the ground that she had not undergone qualification in 10+2+2 pattern.

4.The petitioner would further state that aggrieved over the same, she and similarly placed persons filed W.P.No.15296 of 2013 and the same was allowed by this Court vide order dated 11.06.2013. Despite the same, when the counselling was announced, the petitioner was again sought to be overlooked. Hence, the petitioner once again approached this Court by filing W.P.No.16195 of 2014 and this Court vide order dated 23.06.2014, recorded the statement of the first respondent therein and allowed the writ petition. Subsequently, the petitioner's name was included in the panel for promotion and accordingly, granted promotion to the post of BT Assistant, Tamil vide proceedings of the first respondent, dated 29.06.2014.

5.The petitioner would further state that thereafter, the Government itself taking into account the fact that for undergoing Diploma in teacher Education upto 1986-87, X Standard was the requisite qualification and took a policy decision and accordingly, issued Government Order declaring Diploma in Teacher Education to be equivalent to XII Standard. Hence, the petitioner made periodical representations to review the seniority of the petitioner as per the Government Order and as per the order of this Court made in W.P.No.15296 of 2013 dated 11.06.2013 and since it evoked no response, came forward to file this petition.

6.The learned counsel appearing for the petitioner in support of her contentions relied upon the judgment of the Madurai Bench of this Court made in W.P.(MD) No.16181 of 2013 etc., batch (Nadar Thanga Shubha Laxman.A Vs. The State of Tamil Nadu, Represented by its Principal Secretary, Department of School Education, Fort St.George, Chennai - 600 009 and another), wherein the Hon'ble Larger Bench of the Madurai Bench of this Court has dealt with similar circumstances and has held that the equivalence certificate issued by the committee constituted by the Government declaring that the degrees obtained from one

University is equivalent to the degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right from the date of issuance.

7. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader (Edn.) who takes notice for the respondents.

8. Considering the submissions made on either side and without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation, along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said representation, on merits and in accordance with law and in the light of G.O.Ms.No.165, School Education Pa.Ka.3(1) Department, dated 15.10.2014 and in the light of the order passed in W.P.No.15296 of 2013 dated 11.06.2013 and pass appropriate orders, within a period of six weeks thereafter.

9. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Director (Personnel)
Department of School Education
DPI Campus
Chennai 600 006.
2. The Chief Educational Officer
Pollachi
Coimbatore District.

+1cc to Ms.Dakshayani Reddy, Advocate, S.R.No.61357

W.P.No.37221 of 2016

GR(CO)
CA(24/11/2016)