

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.4065 of 2016
and WMP.Nos.3404 and 3405 of 2016

K.Subramaniam

.. Petitioner

Vs.

1.The Director of Elementary Education
College Road, Chennai-6.

2.District Elementary Educational Officer
Namakkal District.

3.Assistant Elementary Educational Officer
Pallipalayam, Namakkal District.

4.S.Krishnaveni

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the second respondent relating to the proceedings dated 23.01.2016 bearing reference No.Na.Ka.No.105/A2/2016 and quash the same as illegal, arbitrary, malafide, without jurisdiction and consequently direct the respondents 1 to 3 to promote the petitioner as B.T.Assistant (Science) before the 4th respondent and others with all consequential benefits.

For Petitioner : Mr..K.Srinivasa Murthy
for M/s. Row & Reddy

For respondents 1to3: Mr.A.Kumar, Spl.GP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The case of the petitioner is that he studied B.Ed during 2009-2010 and also studied B.Sc., during 2010-2013. The learned counsel for the petitioner would submit that after studying B.Ed in December 2010, the petitioner got admission in July 2010 for studying B.Sc.,

3.At the outset, it may be mentioned herein that it is the case wherein the second respondent has taken correct decision in passing the impugned order dated 23.01.2016. Hence, this Court is not inclined to interfere with the same.

4. Admittedly, the petitioner was appointed as Secondary Grade Teacher and posted at VEDIYARASAMPALAYAM Elementary School. At the time of his appointment he has got D.T.Ed., B.Lit (Tamil) and M.A.(Tamil). Subsequently, on 13.04.2009 the Assistant Elementary Education officer, Pallipalayam/third respondent granted permission for studying B.Ed through correspondence course. The petitioner passed the said course in the year 2010.

5. In this background, the grievance of the petitioner is that the 3rd respondent granted permission to pursue higher education and the petitioner got admission in B.Sc.(physics) and also passed the same in the first class in the year 2013. While so, the third respondent published the panel for promotion to the post of B.T.Assistant and his name was shown in Sl.No.2. However, at that time, promotion was not given for want of vacancy. Thereafter, the respondents have found fault with the petitioner that he is not eligible to get promotion, since he obtained two degrees simultaneously. Therefore, the promotion was denied to the petitioner on the ground that he has acquired two degrees i.e., B.Ed during 2009-2010 and B.Sc during 2010-2013 simultaneously which is untenable, he pleaded. But, this Court does not find any merit on the said contention of the petitioner.

6. Admittedly, it is the case of the petitioner that he acquired B.Ed degree during 2009-2010 i.e., during December 2010 that was completed in the month of December 2010. He secured admission for B.Sc three years course in the month of July 2010 and completed during May 2013. Therefore, the respondents are right in passing the impugned order, holding that the petitioner is not eligible on the ground that he acquired two degrees in the same year. It is made clear, that the B.Sc degree cannot be taken into account for the purpose of promotion, since it is acquired simultaneously while he was doing B.Ed.

7. In view of the above foregoings, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

tsh

To

1.The Director of Elementary Education
College Road, Chennai-6.

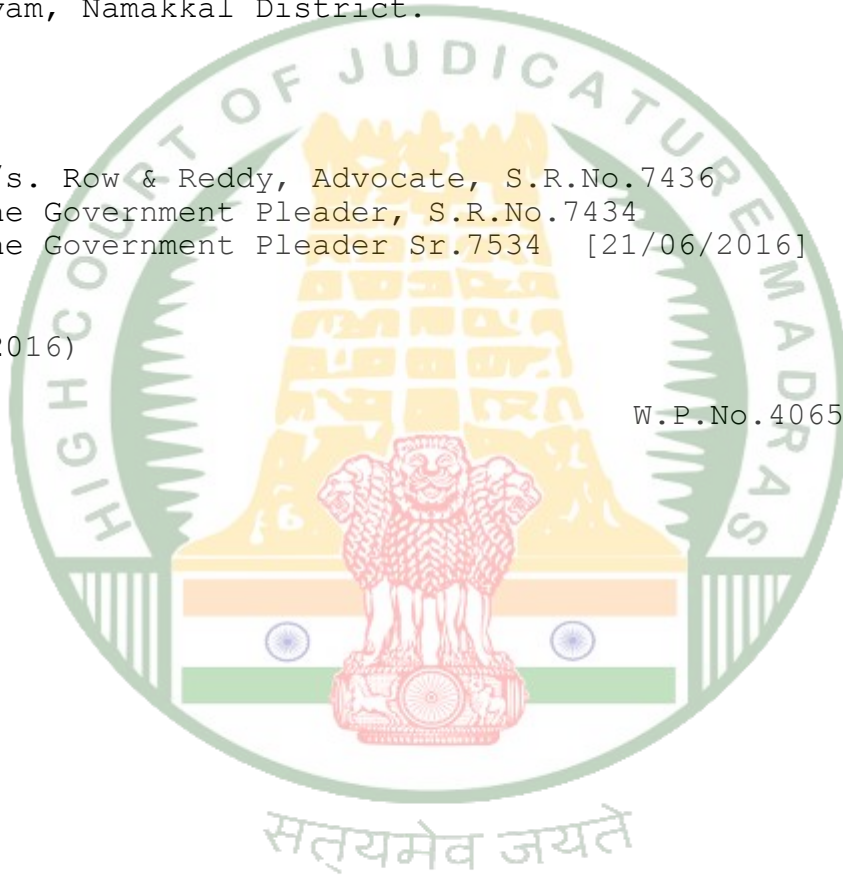
2.The District Elementary Education Officer
Namakkal District.

3.The Assistant Elementary Education Officer
Pallipalayam, Namakkal District.

+1cc to M/s. Row & Reddy, Advocate, S.R.No.7436
+1cc to the Government Pleader, S.R.No.7434
+1cc to the Government Pleader Sr.7534 [21/06/2016]

MSM(CO)
EU(03/05/2016)

W.P.No.4065 of 2016.



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