

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.549 of 2016

and

WMP.Nos.386 and 387 of 2016

C.Eswaran

.. Petitioner

Vs.

1.The Director of Adi Dravidar Welfare Department,
Ezhilagam, Chepauk,
Chennai -600 005.

2.The District Adi Dravidar and
Tribal Welfare Officer,
Pudukottai District,
Pudukottai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records, relating to the impugned order of the first respondent in Na.Ka.No.02/21680/2015 dated 14.12.2015, which was confirmed by the second respondent in Na.Ka.No.Q5/8279/2015 dated 18.12.2015 and quash the same and consequently direct the respondents to promote the petitioner for the post of BT Assistant as per G.O.Ms.No.134, Education Department dated 15.06.2007.

For Petitioner : Mr.Immanuel Prakasam
For Respondents : Mr.M.S.Ramesh, AGP

ORDER

The petitioner has filed this writ petition to quash the order of the first respondent in Na.Ka.No.02/21680/2015 dated 14.12.2015 and the consequential order of the second respondent in Na.Ka.No.Q5/8279/2015 dated 18.12.2015 and also direct the respondents to promote the petitioner to the post of BT Assistant as per G.O.Ms.No.134, Education Department dated 15.06.2007.

2. The case of the petitioner is that he was appointed as Secondary Grade Teacher in the second respondent department on 13.11.1995. He had obtained a B.A degree in Economics on 08.04.1994. Thereafter, he passed a M.A degree in History on 29.11.2001. Once again, he passed a M.A degree in Economics on 09.11.2011. Later on, he completed B.Ed degree on 25.10.2013. According to the petitioner, as per G.O.Ms.No.134 Education Department (G2), dated 15.06.2007, the teachers, who have completed a degree in B.A (Economics), B.Com., B.A (Political Science) are eligible to the post of B.T. Assistant and Middle School Head Master. Hence, as per the aforesaid G.O., he is entitled for the post of B.T. Assistant in the year 2007 itself. However, his request was rejected by the authority concerned. Therefore, the petitioner has come forward with the present writ petition.

3. The respondents have filed a counter affidavit, interalia contending that the petitioner cannot assume the benefit and seek for the same. It is stated therein that all the posts of Graduate teachers are to be filled by the candidates having a degree with B.Ed., as per G.O. (Standing) No.400, Education Department dated 25.05.1998, wherein, the subjects to be qualified are not mentioned. As Economics, Commerce and Political Science are not the subjects in the High School level, in some Districts the candidates having those degrees, are promoted as Graduate teachers and in some other Districts, they are refused to promote. In order to clarify the same, an additional G.O.Ms.No.134 dated 15.07.2007 was issued, wherein, it has been clarified that the candidates, having a degree in any subject other than the subject taught in the High School, are to be promoted with the condition that they should have completed the degree on or before 01.01.2007. It is further stated therein that though the petitioner has obtained the B.A degree in Economics in the year 1994, he has completed B.Ed degree only in the year 2013. Therefore, his request for promotion to the post of Graduate Teacher, has been rightly rejected by the respondents. By stating so, the respondents sought for dismissal of this writ petition.

4. Learned counsel for the petitioner would contend that G.O.Ms.No.134 School Education Department (G2) dated 15.06.2007 does not state about acquisition of B.Ed degree on or before 01.01.2007 for promotion to the post of B.T. Assistant and it stated that a degree alone is enough for the same. Therefore, the respondents would take into consideration the B.A. degree obtained by the petitioner before 01.01.2007, as per the aforesaid G.O. In this connection, learned counsel placed reliance on an unreported judgment of this Court in WP.No.19524 of 2015 dated 03.07.2015, wherein, the petitioner had obtained a degree in B.A (Tamil) on 01.01.2010 and the impugned order was passed as if B.A (Tamil) was a disqualification for

consideration to the post of Middle School Headmaster and B.T. Assistant. In that case, this Court has clarified the terms of G.O.Ms.No.134 dated 15.06.2007.

5. Heard both sides and perused the materials placed before this Court.

6. Here is the case, wherein, the petitioner has obtained a B.A degree in Economics in the year 1994. However, his request for considering him for promotion to the post of B.T. Assistant and Middle School Head Master, was rejected, not on the ground of date of acquisition of the degree in Economics, but on the ground that he completed the B.Ed degree only in the year 2013. A careful perusal of G.O.Ms.No.134 School Education (G2) Department, dated 15.06.2007 would state any decree with B.T. or B.Ed degree on or before 1.1.2007. Since the petitioner completed the B.Ed degree only in 2013, his request for promotion to the post of B.T. Assistant has not been rightly considered on that year. However, he will be eligible for promotion in the subsequent years. In fact, the first respondent / Director, Adi Dravidar Welfare Department, Chennai, has sent a proceedings in Na.Ka.No.02/21680/2015 dated 14.12.2015 to the second respondent / District Adi Dravidar and Tribal Welfare Officer, Pudukottai District, to that effect. In the said proceedings, it has also been stated that three persons raised objection against the seniority list as on 01.03.2015 prepared by the second respondent and in this regard, the first respondent has sought for clarification from the second respondent. Following the said proceedings, the second respondent has passed the impugned order, rejecting the petitioner's request for promotion to the post of B.T. Assistant. Therefore, I do not find any reason to interfere with the orders impugned herein and the judgment relied on by the learned counsel for the petitioner will not be applicable to the case of the petitioner as he completed the B.Ed degree in the year 2013.

7. In the result, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

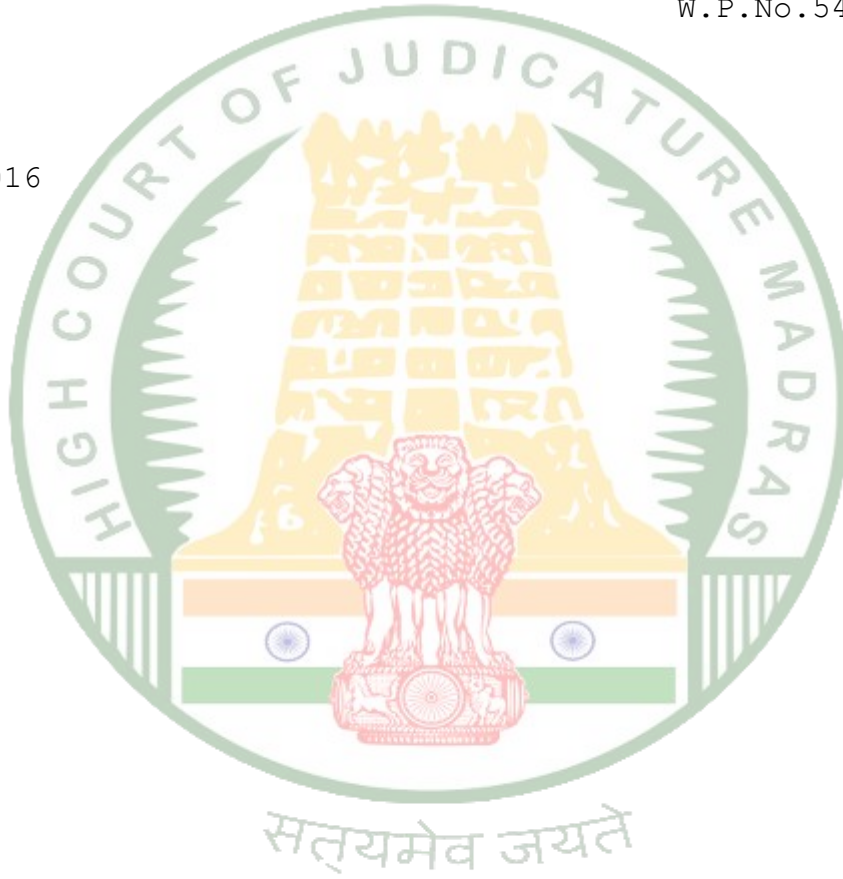
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To

- 1.The Director of Adi Dravidar Welfare Department,
Ezhilagam, Chepauk,
Chennai -600 005.
- 2.The District Adi Dravidar and
Tribal Welfare Officer,
Pudukottai District,
Pudukottai.

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