

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 23.01.2017

Coram

The Honourable Mr. Justice K.K.SASIDHARAN  
and  
The Honourable Mr. Justice V.PARTHIBAN

W.P.No.14643 of 2009 &  
W.M.P.Nos.1 & 2 of 2009

R.VAITHILINGAM

PETITIONER

Versus

1. THE UNION TERRITORY OF PUDUCHERRY  
REP. BY THE CHIEF SECY. TO GOVT.  
CHIEF SECRETARIAT GOVT. OF PUDUCHERRY  
PUDUCHERRY.
  2. THE UNION TERRITORY OF PUDUCHERRY  
REP. BY THE SECY. TO GOVT.  
EDUCATION DEPT. CHIEF SECRETARIAT GOVT. OF  
PUDUCHERRY PUDUCHERRY-605 605.
  3. THE DIRECTOR OF SCHOOL EDUCATION  
PERUNTHALAIVAR KAMARAJAR  
CENTENARY EDUCATION COMPLEX  
100 FEET ROAD  
ANNA NAGAR NELLITHOPE POST  
PUDUCHERRY-605 605.
  4. THE DEPUTY DIRECTOR (ADMN.)  
O/O.THE DIRECTORATE OF SCHOOL EDUCATION  
PERUNTHALAIVAR KAMARAJAR CENTENARY  
EDUCATION COMPLEX  
100 FEET RD ANNA NAGAR NELLITHOPE P.O.  
PUDUCHERRY-605 605.
  5. THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH REP. BY ITS  
REGISTRAR HIGH COURT BUILDINGS  
CHENNAI-104.
- .. RESPONDENTS

Prayer: This Writ Petition is filed under Article 227 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the relevant records relating to the order issued in O.A.No.137 of 2008 dt. 22.8.2008 passed on the file of the Registrar Central Administrative Tribunal Madras Bench the 5th respondent herein and the impugned rejection order issued in I.D.Note No.1480/DSE/Estt.I/D2/07 dt.8.3.2007 passed by the 4th respondent and quash the same as arbitrary unreasonable improper illegal against the rules and regulations of the respondents and violating the principles of natural justice and fundamental right guaranteed under the constitution of India and thereby directing the respondents to promote the petitioner to the post of Vice Principal in Higher Secondary Education under the respondents with all consequential, monetary and other service benefits without further delay.

For Petitioner : Mr.V.Prakash, SC

For Respondents: Mr.Syed Mustafa GP (P)

ORDER

(Order of the Court was delivered by V.PARTHIBAN, J.)

This Writ Petition has been filed against the order of the Central Administrative Tribunal (in short, 'the Tribunal'), dated 22.08.2008 in O.A.No.137 of 2008 dismissing the Original Application, filed by the petitioner herein.

2. The petitioner herein has approached the Tribunal, seeking for the following relief:

"To call for the relevant records relating to the impugned rejection order issued in I.D.Note No.1480/DSE/Estt.I/D2/07 dt.8.3.2007 passed by the 4th respondent and quash the same as arbitrary unreasonable improper illegal against the rules and regulations of the respondents and violating the principles of natural justice and fundamental right guaranteed under the constitution of India and thereby directing the respondents to promote the petitioner to the post of Vice Principal in Higher Secondary Education under the respondents with all consequential, monetary and other service benefits without further delay."

3. According to the petitioner, he was selected and appointed as Physical Education Teacher with effect from 2.6.1984 and over a period of time, he had acquired P.G.Degree in Sociology and also B.Ed. His services were regularized with

effect from 2.6.1986. He was promoted to the post of Physical Director on regular basis. According to the petitioner, he was qualified for the appointment to the post of Vice Principal on 30.1.1991. Therefore, he requested the official respondents to consider him for promotion to the post of Vice Principal in 2007 and his representation came to be rejected vide order dated 8.3.2007. The rejection was on the ground that the post of Lecturer in Physical Education was not a feeder post for Vice Principal and also he cannot be considered in terms of the Recruitment Rules. The said rejection order was impugned in the Original Application.

4. The claim of the petitioner was resisted by the official respondents, by reiterating the reasons as mentioned in the impugned order of rejection.

5. According to the learned counsel for the respondents, there was exclusion of Lecturer in Physical Education for consideration to the post of Principal and therefore, the claim of the petitioner was untenable.

6. After taking note of the submissions of the rival parties, the learned Tribunal dismissed the Original Application. The Tribunal in para 8 of its order, has given sound reasons for not considering the claim of the petitioner in his favour. The reasons as found in para 8, are extracted below:

"8. In view of the fact that the post of Lecturer in Physical Education is not a feeder post for promotion to Vice Principal under the Recruitment Rules, the claim of the applicant fails. Essential ingredients of a Lecturer or Vice Principal in an education institute is good knowledge in the subject matter, comprehensive and ability to communicate with the students. Any person who has not worked in the regular line of teaching will not have the adequate skill to impart sound education. Command over the medium of instruction which is another essential factor to be considered for purpose of promotion to teaching line. In the instant case, the experience of the applicant all through has only been in the physical education side. Skills require for teaching in the regular line and skills require for physical education are different. Therefore, the applicant who has worked only in the physical education line will not possess the necessary skill to be a successful lecturer or Vice Principal in the general line. Moreover the Recruitment Rules as cited supra excludes the

Lecturer of Physical Education to be promoted as Vice Principal."

7. As against the dismissal of the Original Application, the petitioner has filed the present writ petition.

8. Learned counsel appearing for the petitioner strongly objected to the contention put forth by the learned counsel for the respondents, stating that the relevant Recruitment Rules which were extracted in the impugned order of the Tribunal was false and the actual Recruitment Rules does not envisage exclusion of Lecturer in Physical Education for consideration of the appointment to the post of Vice Principal. A copy of the correct Recruitment Rules has also been produced in which, it is found that there was no exclusion of the post of Lecturer in Physical Education for being considered for promotion to the post of Vice Principal. However, it is also to be noted that though there is no specific exclusion of Lecturer in Physical Education, the Recruitment Rules insist on teaching experience in the field for being considered for appointment to the post of Vice Principal. As reasoned by the Tribunal, the petitioner had worked only in the Physical Education line, did not possess skill to be a successful Lecturer or Vice Principal in general line. It stands to the logic that the persons who is to be appointed as Vice Principal, must have experience in teaching in the regular line as one of the essential qualifications for being considered to the post of Vice Principal. A mere fact of possessing P.G. Degree or B.Ed., cannot make the petitioner eligible for subject appointment. We are, therefore, of the view that the petitioner has not made out any case for grant of the relief and we also do not see any infirmity in the order passed by the learned Tribunal in order to interfere with the same.

Accordingly, the Writ Petition fails and it is dismissed. No costs.

सत्यमेव जयते  
-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

suk

To

1. THE CHIEF SECRETARY TO GOVERNMENT OF PUDUCHERRY  
CHIEF SECRETARIAT GOVT. OF PUDUCHERRY  
PUDUCHERRY.
- 2 THE SECRETARY TO GOVERNMENT OF PUDUCHERRY  
EDUCATION DEPT. CHIEF SECRETARIAT GOVT. OF  
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- 5 THE REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH HIGH COURT BUILDINGS  
CHENNAI-104.

+1 cc to M/s.S.Srinivasan Advocate sr 4158  
+1 cc to the Government Pleader for puducherry  
sr 4326

सत्यमेव जयते

W.P.No.14643 of 2009

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