

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16468 of 2010 and
M.P.Nos.1 and 2 of 2010

V.Subramanian

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep.by Secretary to Government,
Education (Minority Languages Wing) Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
Chennai - 600 006.
3. The District Elementary Education Officer,
Tiruvallur - 612 001.
4. The Assistant Elementary Educational Officer,
Gummidipoondi,
Tiruvallur District.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to desist from denying the petitioner's Promotion despite his empanelment for Promotion as Graduate Assistant (Maths) on the ground that he is a Telugu Candidate and his mother tongue is not Tamil and to consequently promote the petitioner as Graduate Assistant (Maths) in Gummidipoondi Union, forthwith by virtue of inclusion of his name in the panel as on 01.01.2010 with retrospective effect from date of his Promotion of the other Panelist with all other consequential benefits.

For Petitioner : Mr.M.Ravi
For Respondents : Mrs.K.Bhuvaneswari
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to desist from denying the petitioner's promotion despite his empanelment for promotion as

Graduate Assistant (Maths) on the ground that he is a Telugu candidate and his mother tongue is not Tamil and to consequently promote the petitioner as Graduate Assistant (Maths) in Gummidipoondi Union, forthwith by virtue of inclusion of his name in the panel as on 01.01.2010, with retrospective effect from date of his Promotion of the other panelist with all other consequential benefits.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner passed S.S.L.C and Higher Secondary Course Examination with Telugu Medium in March 1984 and April 1986 respectively. Subsequently, the petitioner had completed B.Sc. (Maths) Degree in April 1992 and B.Ed., Degree in June 2009 and the petitioner had also passed Second Class Language Test in Tamil in December 2008 conducted by Tamil Nadu Public Service Commission and appointed as Secondary Grade Teacher in Dharmapuri District on 01.08.1997 in Hosur Union during June 2003. However, his promotion to the post of Graduate Assistant (Mathematics) had been denied on the ground that his mother tongue is not Tamil.

3. There cannot be any discrimination in this regard and in fact the discrimination on the basis of language is unconstitutional. However, this Court earlier considered the similar issues in W.P.No.9684 and 1019/2017, and a judgment was delivered on 17.03.2010. The writ petitioner also submitted a representation on 15.07.2010, to include his name in the panel for the year 2010. Thus, the respondents would verify the Service Records of the writ petitioner in respect of the eligibility, qualification and suitability in accordance with the Rules and thereafter take a decision in respect of the claim of the petitioner.

4. Under these circumstances, without going into the merits of the matter, the second respondent is directed to consider the representation submitted by writ petitioner on 15.07.2010, and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

AT

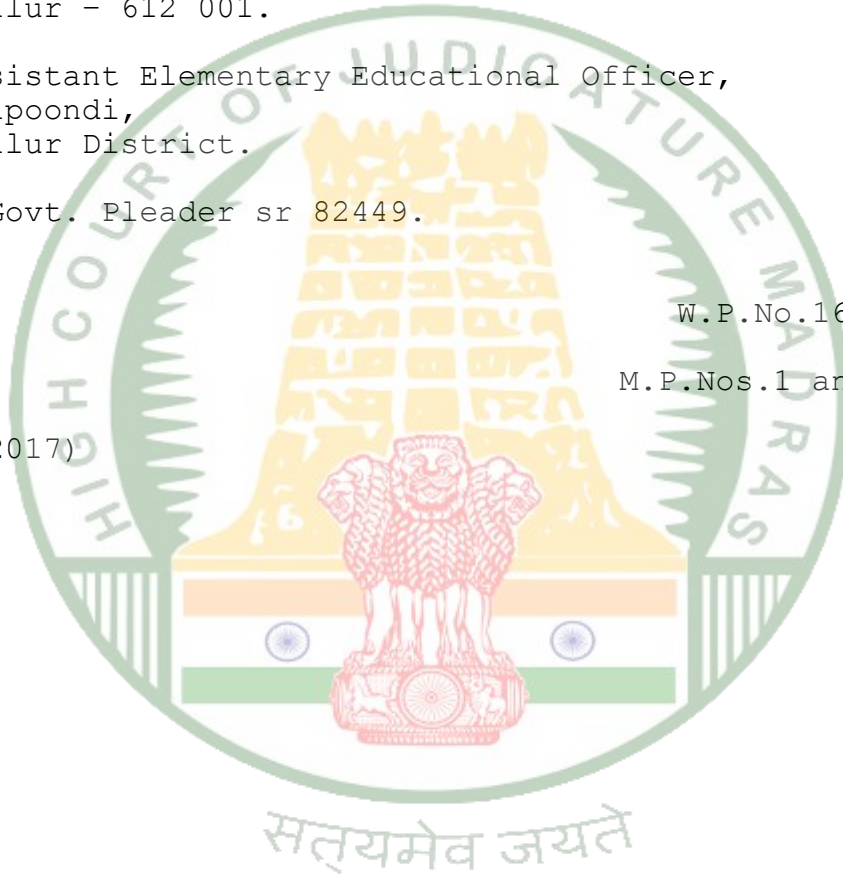
To

1. Secretary to Government,
Government of Tamil Nadu,
Education (Minority Languages Wing) Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
Chennai - 600 006.
3. The District Elementary Education Officer,
Tiruvallur - 612 001.
4. The Assistant Elementary Educational Officer,
Gummidipoondi,
Tiruvallur District.

+1 CC to Govt. Pleader sr 82449.

W.P.No.16468 of 2010
and
M.P.Nos.1 and 2 of 2010

SP(27/12/2017)



WEB COPY