

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No.2219 of 2013

1.M.Therasa Arputha Mary
2.M.Rajam
3.S.Jothi Banu
4.K.Rose Mary
5.K.Kousalya
6.V.Sundaravalli
7.D.N.Sangeetha Devi ... Appellants

Vs

1.T.Thulasaiah
2.The State of Tamil Nadu
rep. by Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 9.
3.The Director,
Directorate of Elementary Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 6.
4.The District Elementary Educational
Officer, Tiruvallur.
5.The Assistant Elementary Educational
Officer, Tiruthani, Thiruvallur.
6.D.Wilson
7.R.Loganathan
8.S.Balasundaram .. Respondents

Appeal preferred under Clause XV of Letters Patent against
the order dated 14.08.2012 made in W.P.No.15235 of 2012.

W.P.No.15235 of 2012: Writ Petition filed under Article 226 of the constitution of India, praying for the issue of a Certiorarified Mandamus Calling for the records relating to orders in (1) Circular Proceedings Na.Ka.No. 12118/D1/2011 dated -12.2011 of the second Respondent and (2) Panel dated 28.3.2012 as on 1.1.2012 for promotion as Graduate Teacher (English) in Tiruthani Union Tiruvallur District issued by the fourth Respondent (i) quash the Circular Pro.Na.Ka.No. 12118/D1/2011 dated -12.2011 of the second Respondent to the limited extent of directions in Para 6 thereof and (ii) quash the consequential panel dated 28.3.2012 issued by the fourth Respondent in so far as it related to inclusion of names of Respondents 5 to 7 herein and the non-inclusion of Petitioner name and to issue consequential directions to the Respondents 1 to 4 to include the name of the petitioner in the panel as on 1.1.12 for promotion as Graduate Teacher (English) in Thiruthani Union and to promote him as such with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

For Appellants ... Mr.R.Saseetharan

For Respondents.. Mr.C.Munusamy, (Edun)
Spl. Govt. Pleader for R2 to R5
R1 - No appearance

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal has been preferred by the private respondents, who have got nothing to do with the order dated 14.08.2012 made in W.P.No.15235 of 2012.

2.Heard the learned counsel appearing for the appellants and the learned Special Government Pleader appearing for respondents 2 to 5.

3.Today, when the matter is taken up for hearing, learned counsel appearing for the appellants submits that the issue is covered by the judgment of the Division Bench in W.A.No.529 of 2013 etc., batch dated 05.02.2014. Relevant portion of the judgment reads as under:

42.The learned Judge in the impugned judgment on a threadbare analysis of the factual aspects and legal position, has come to the conclusion that the writ petitioners seek to agitate totally a different

subject on the basis of a degree obtained after undergoing a course of one year duration and can be compared with the regular undergraduate degree of three years duration and therefore, directed the official respondents not to recognise the candidature of such persons both for appointment as well as for promotion. The Teachers Recruitment Board (TRB) has taken into consideration the said aspect and rightly rejected the claim of the writ petitioners that they are ineligible for TET on the ground that the claim made by them on the basis of the degree of one year duration is invalid and this Court finds no merit in the stand taken by TRB.

4. Since the issue involved is no longer res integra, the writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 9.
2. The Director,
Directorate of Elementary Education,
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3. The District Elementary Educational
Officer, Tiruvallur.
4. The Assistant Elementary Educational
Officer, Tiruthani, Thiruvallur.

W.A.No.2219 of 2013

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