

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26328 of 2005 and
W.P.M.P.No.28751 of 2005

K.Jayasekaran

...Petitioner

Vs.

1. The District Elementary
Educational Officer,
Namakkal District, Namakkal

2. The Assistant Elementary
Educational Officer,
Namakkal.

3. S.Annammal
Headmistress,
Panchayat Union Middle School,
Pottanam, Senthamangalam
Namakkal District

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue an order or direction or writ more specifically Writ of Certiorarified Mandamus calling for the records relating to the order of the second respondent dated 04.07.2005 issued in the reference number Na.Ka.No.516/A1/2005 and to quash the same and further direct the respondent 1 and 2 to include the name of the petitioner in the panel dated 25.05.2005 issued in the reference number NIL prepared for promotion to the post of Middle School Head Master for the year 2005 and to promote him as Middle School Headmaster with effect from 04.07.2005 with all consequential benefits.

For Petitioner : Mr.R.Muthukannu

For Respondents : Mrs.P.Kavitha for R1 & R2
No apperance for R3.

ORDER

The rejection of the claim of the writ petitioner for promotion to the post of Middle School Headmaster during the year 2005 is under challenge in this writ petition. It is brought to the notice of this Court that the writ petitioner was allowed to retire from service on 30.04.2009 and this writ petition has been filed on 06.08.2005.

2.The learned Government Advocate appearing for the respondents 1 and 2 contended that the writ petitioner acquired M.A degree through Open University system. As per the judgment of the Hon'ble Supreme Court in Annamalai University represented by its Registrar Vs. Secretary to Government, Information and Tourism Department (2009 4SCC 590), has declared that the degrees obtained through Open University without undergoing the regular pattern of education is invalid. The law declared by the Hon'ble Supreme Court, in this regard, is binding on all the authorities and therefore, the degree obtained by the petitioner through Open University without undergoing the regular pattern of education as prescribed under the University Grants Commission regulation cannot be considered as a valid degree, for the purpose of grant of promotion under the Service Rules. Thus, there is no infirmity, as such, on the part of the second respondent in declining the claim of the writ petitioner for granting promotion.

3.Thus, the writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition, is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jbm/bga

To

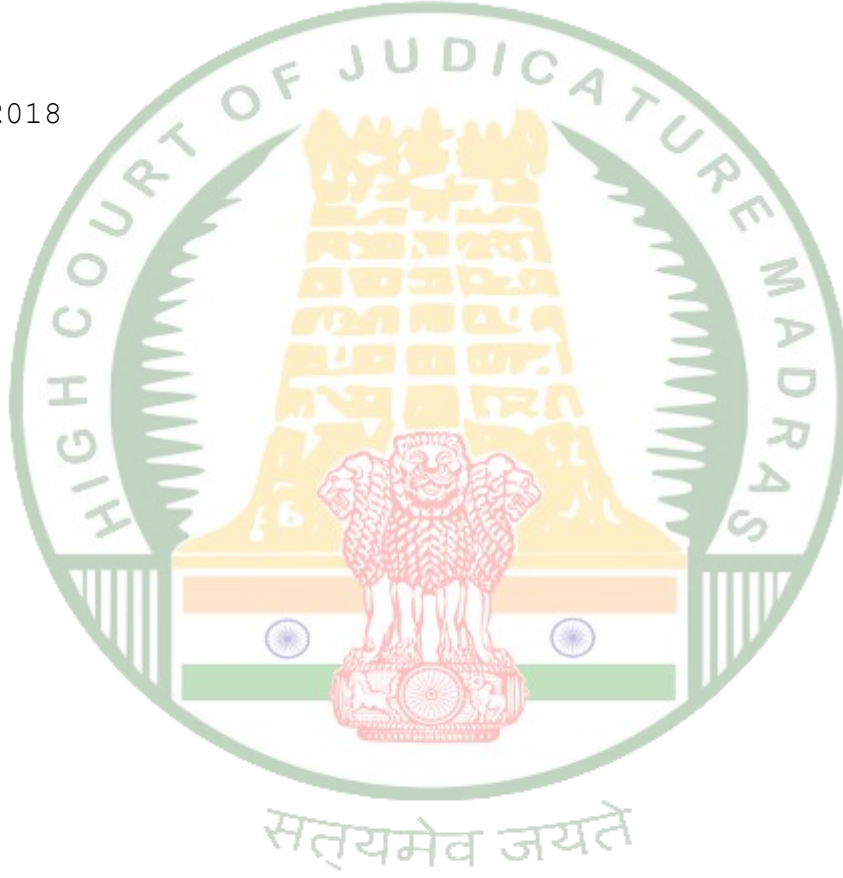
1. The District Elementary
Educational Officer,
Namakkal District, Namakkal.

2. The Assistant Elementary
Educational Officer,
Namakkal.

+1cc to the Government Pleader Sr.84441

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and
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srg 03/1/2018



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