

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1801 of 2017
and C.M.P.No.22634 of 2017

1. Government of Tamil Nadu rep.by
Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education,
College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
Krishnagiri District, Krishnagiri.
4. The Additional Assistant Elementary Educational Officer,
Hosur Panchayat Union,
Krishnagiri District. ...Appellants/Respondents

-vs-

C.Rajappa ..Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.31033 of 2013 dated 19.11.2013.

W.P.No.31033 of 2013:

Petition under Article 226 of the constitution of India, praying to call for the records of the 2nd respondent in relation to the proceedings issued in Na. Ka. No. 12118/T1/2011 dated 13.9.2011 and quash the same and issue a direction to the respondents to treat the Diploma in Teacher Education acquired by the petitioner as equivalent to Higher Secondary School examination and include the name of the petitioner at the appropriate place in the panel prepared as on 1.1.2013 for the post of B.Ed. Middle School Headmaster for Hosur Panchayat Union and consequently issue a direction to the respondents to promote the petitioner as B.Ed. Middle School Headmaster with service and monetary benefits

For Appellants :: Mr.P.Udhayakumar,
Additional Govt.Pleader

For Respondent :: Mr.R.Saseetharan

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The respondent herein filed a writ petition in W.P.No.31033 of 2013 before this Court challenging the proceedings of the second appellant dated 13.02.2011 by which the claim of the respondent to include his name in the panel prepared for the post of B.Ed.Middle School Headmaster, has been rejected on the ground that he has not passed the Higher Secondary School examination before passing the B.A.Degree. The fact remains that the respondent had passed two year Diploma Course before pursuing the B.A.Degree. Even though the said proceedings of the second appellant dated 13.02.2011 was challenged in W.P.No.31033 of 2013, the same was already quashed by this Court, by order dated 02.07.2012 in W.P.No.25432 of 2011.

2.After considering the facts and circumstances of the case, the learned single Judge directed the third appellant herein to include the respondent's name in the panel as on 01.01.2013 for the post of B.Ed.Middle School Headmaster, since in a number of cases, this Court held that two years Diploma Course is equivalent to Plus Two examination.

3.Challenging the said order passed by the learned single Judge, the Department has come up with this writ appeal.

4.When this writ appeal is taken up, the learned Special Government Pleader (Education) appearing for the appellants has submitted that the case of the respondent has been considered by the Government and he has been promoted as Headmaster on 01.06.2017. The said submission is recorded.

5.Under similar circumstances, a Division Bench of this Court in the case of The Government of Tamil Nadu & Others v. R.Malarvili, reported in 2015 Writ L.R.912, upheld the direction issued by a learned single Judge to consider the claim of the respondent therein for promotion etc., holding that the same does not suffer from any material infirmity or patent illegality in the eye of law, as two-year Diploma in Teacher Education is equivalent to Higher Secondary Course.

6.Now that the respondent herein has been promoted as Headmaster on 01.06.2017. Since the prayer of the respondent has been met with, nothing survives for consideration in this writ

appeal and accordingly the same is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

KM
To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.
 2. The Director of Elementary Education,
College Road, Chennai-600 006.
 3. The District Elementary Educational Officer,
Krishnagiri District, Krishnagiri.
 4. The Additional Assistant Elementary Educational Officer,
Hosur Panchayat Union,
Krishnagiri District.
- +1 CC to The Govt. Pleader sr 3363.

सत्यमेव जयते

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SSD(CO)
SP(01/03/2018)

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