

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.A.No.1819 of 2018 and CMP.No.14637 of 2018

1. The Government of Tamil Nadu
rep. by the Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-6.
3. The District Elementary Educational
Officer, Krishnagiri District,
Krishnagiri.
4. The Assistant Elementary Educational
Officer, Shoolagiri Panchayat Union,
Krishnagiri District. ... Appellants

Vs

A.Savithramma ... Respondent

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 22.11.2013 made in W.P.No.31418 of 2013 by a learned Single Judge.

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records of the second respondent in relation to the proceedings issued in Na.Ka.No.12118/T1/2011 dated 13.09.2011 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 01.01.2013 for the post of B.Ed. Middle School Headmaster for Shoolagiri 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.C.Munusamy, Spl.Govt. Pleader

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 22.11.2013 made in W.P.No.31418 of 2013 by a learned Single Judge.

2. The Writ Petition has been filed challenging the proceedings of the 2nd respondent therein, namely, the Director of Elementary Education, College Road, Chennai, dated 13.9.2011 and to set aside the same with a further direction, directing the respondents to treat the Diploma in Teacher Education acquired by the writ petitioner as equivalent to Higher Secondary School Examination and include the name of the writ petitioner at the appropriate place in the panel prepared as on 01.01.2013 for the post of B.Ed. Middle School Headmaster for Shoolagiri Panchayat Union and consequently, issue a direction to the respondents therein to promote the petitioner as B.Ed. Middle School Headmaster with service and monetary benefits. Aggrieved over the same, the State is before this Court with this Writ Appeal.

3. The matter is listed today under the caption, 'for admission''. Heard the learned Special Government Pleader appearing for the State. We have also carefully perused the materials available on record.

4. At the outset, it is pertinent to extract paragraph 4 of the order of the learned Single Judge here under:

'4. This Court already held that Diploma Course in Teacher Education is equivalent to +2 qualification. Therefore, the exclusion of petitioner from the panel of candidates for promotion as Middle School Headmaster is illegal. Though the petitioner's name is not in the impugned panel, the same cannot be set aside as many persons whose names were empanelled will be affected.'

Though the State has filed an appeal against the same, now, it is fairly submitted by the learned Special Government Pleader appearing for the appellants that by subsequent Government Order in G.O.(Ms.) No.165, School Education Department, dated 15.10.2014, it has been stated that after passing 10th Standard

Examination (S.S.L.C.,) undergoing Diploma in Teacher Training is equivalent to +2 qualification (Higher Secondary School Examination. Under such circumstances, we are of the view that the appeal filed by the State is not maintainable.

5. In the result, while upholding the order of the learned Single Judge dated 22.11.2013 in W.P.No.31418 of 2013, the present Writ Appeal filed by the State stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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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 Education Officer,
Krishnagiri District, Krishnagiri.
- 4.The Assistant Elementary
Educational Officer,
Shoolagiri Panchayat Union,
Krishnagiri District.

+1cc to the Government Pleader Sr.59302

W.A.No.1819/2018

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