

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2018

CORAM:

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

W.A.No.1852 of 2018 and
CMP.Nos.14843 & 14844 of 2018

1. The Government of Tamil Nadu
rep. by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
 2. The Director of Elementary Education,
Nungambakkam, Chennai-6.
 3. The District Elementary Educational
Officer, Tiruvannamalai,
Tiruvannamalai District. Appellants/Respondents
- Vs

J.Selvamani Respondent/Petitioner

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order of this court dated 18.4.2013 made in W.P.No.28866 of 2012.

Prayer in WP.No.28866/2012:filed to issue a writ of mandamus or other writ or order of direction in the nature of writ directing the respondents to include the name of the petitioner in the panel as on 1.1.2012 for promotion as Tamil Pandit in the appropriate place therein and to promote him as such with retrospective effect from the date of promotion of him immediate junior with consequential benefits.

For Appellants :: Mr.C.Munusamy, Spl.Govt. Pleader
For Respondent :: Ms.Dakshayani Reddy

JUDGMENT

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

The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in allowing the writ petition which has been filed seeking a mandamus directing the appellants herein to include the name of the writ petitioner in the panel as on 1.1.2012 for promotion as Tamil Pandit in the appropriate place therein and to promote him as such with retrospective effect from the date of

promotion of his immediate junior with consequential benefits.

2. 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.

3. The issue is related to consideration of qualification of Diploma in Teacher Training Course undergone for two years as a valid substitute for a pass in the Higher Secondary School Course to grant promotion to the next higher post to the writ petitioner/respondent herein.

4. Though the State has filed an appeal against the order passed by the learned Single Judge, 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 18.4.2013 in W.P.No.28866 of 2012, the present Writ Appeal filed by the State stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Government of Tamil Nadu
rep. by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
2. The Director of Elementary Education,
Nungambakkam, Chennai-6.
3. The District Elementary Educational
Officer, Tiruvannamalai,
Tiruvannamalai District.

+1cc to Government Pleader SR.NO.59783

EV(CO)

sm:10.10.2018

<https://hcservices.ecourts.gov.in/hcservices/>

W.A.No.1852/2018