

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

CORAM:

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

W.A.No.1996 of 2018 and CMP.No.15851 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, Nagapattinam,
Nagapattinam District.
 4. The Additional Assistant Elementary Educational
Officer, Thalainayiru Panchayat Union,
Nagapattinam District. Appellants/ Respondents
- Vs

K.Murugesan Respondent/ petitioner

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 28.11.2013 made in W.P.No.32141 of 2013 by a learned Single Judge.

Prayer in W.P.No.32141 of 2013:

Writ Petitions under Article 226 of the Constitution of India praying to issue of Writ of Certiorified Mandamus calling for the records of the second respondent in relation to the proceedings issued in Na.Ka.No.12118/T1/2011 dt. 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 Thalainayar Panchayat Union, Nagapattinam District 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
For Respondent ::

JUDGMENT

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

The Writ Appeal is directed against the order dated 28.11.2013 made in W.P.No.32141 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 Thalainayar 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. The learned Single Judge by order dated 28.11.2013 disposed of the same by granting the relief to the writ petitioner therein. 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 3 of the order of the learned Single Judge here under:

'The issue in question is already covered by the judgment of this Court as it has been held that Diploma in Teacher's Education is equivalent to Higher Secondary School Examination. As the petitioner has already obtained Diploma in Teacher's Education, he cannot be denied promotion on the ground that he has not studied Plus Two Course.'

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. Further, it appears that the order of the Single Judge is said to have been implemented. 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 28.11.2013 in W.P.No.32141 of 2013, the present Writ Appeal filed by the State stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS v)

//True Copy//

Sub Assistant Registrar

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+1 CC TO GOVERNMENT PLEADER SR.NO. 64561

W.A.No.1996/2018

ASK(22/10/2018)

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