

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19127 of 2015
and
M.P.Nos.1 & 2 of 2015

P.Shanthi

..Petitioner

vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Elementary Educational Officer,
Salem District.

3.The Assistant Educational Officer,
Mecheri Post,
Mettur Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the qualification of Pre basic teachers certificate along with the Diploma in Teacher Education Training as equivalent to +2 for the purposes of promotion to the post of B.T.Assistant(Tamil) for the year 2015-2016 and consequently direct the respondents to include the name of the petitioner in the panel for promotion to the post of B.T.Assistant(Tamil) for the year 2015-2016 in the panel for promotion at the appropriate place and accordingly, promote the petitioner to the post of B.T.Assistant(Tamil)with all consequential monetary and service benefits.

For Petitioner : M/s.Sunitha

For Respondents : Mr.Karthikeyan, GA for R1 to R3

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the qualification of Pre basic teachers certificate along with the Diploma in Teacher Education Training as equivalent to +2 for the purposes of promotion to the post of B.T.Assistant(Tamil) for the year 2015-2016 and to direct the respondents to include the name of the petitioner in the panel for promotion to the post of B.T.Assistant(Tamil) for the year 2015-2016 in the panel for promotion at the appropriate place and accordingly, promote the petitioner to the post of B.T.Assistant(Tamil) with all consequential monetary and service benefits.

2.The grievances of the writ petitioner is that her name was not included in the panel for promotion to the Post of B.T.Assistant (Tamil) in spite of the fact that the petitioner is fully qualified and possessing the requisite qualification as per the rules. The writ petitioner had completed X Standard in March 1985 and thereafter, possessed Pre basic Teacher Certificate, Senior Grade in May 1987. at the Government Kasturbai Trust Pre Primary Teachers Training Institute, Periar District for a period of two years. The petitioner was appointed as Higher Grade Teacher and subsequently, the Government took a policy decision to appoint the Teachers with qualification of Pre basic teacher training certificate as Secondary Grade Teacher by imparting them with Secondary Grade Training on par with Diploma in Teacher Education. Under these circumstances, the petitioner claims that she is fully qualified for promotion to the Post of B.T.Assistant (Tamil). The petitioner states that she completed B.Litt., in Tamil in May 2001, M.A.Tamil in May 2003 and B.Ed., in December 2010. Thus, she is fully qualified as per the rules in force.

3.The learned counsel appearing on behalf of the respondents states that the Certificate possessed in respect of Pre Basic Teachers Certificate is enclosed in Page No.2 of the typed set of papers filed along with the writ petition.

4.The learned Government Advocate emphatically says that the said Certificate is not eligible for the purpose of granting equivalence to the +2 Course. The Certificate obtained by the petitioner cannot be considered as equivalent to the +2 course as per the Government order issued in G.O.Ms.No.165 dated 15.10.2010. The learned Government Advocate further states that the writ petitioner had not undergone the two years course and therefore, the said Certificate cannot be considered for the purpose of grant of promotion by granting equivalence in respect of +2 Courses.

5.The Government issued order in G.O.Ms.No.165, states that the two years Diploma in Teacher Training is treated as equivalent to the +2 Course. However, the writ petitioner had not undergone the equivalent course and therefore, the case of the writ petitioner cannot be considered at all. However, in respect of the Certificate produced by the writ petitioner, it is left open to the authorities to verify the nature of the Course undergone by the writ petitioner and if the said Certificate is equivalent to the +2 Course, then the benefit may be granted. On verification, if it is found that the Certificate is not a two years course and not equivalent to the +2 course, then the respondents at liberty to reject the claim of the writ petitioner. However, it is made clear that the respondents are bound to verify the nature of the qualifications acquired by the writ petitioner and take a decision and pass orders on merits and in accordance with law.

6.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kak

To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Elementary Educational Officer,
Salem District.

3.The Assistant Educational Officer,
Mecheri Post,
Mettur Taluk,
Salem District.

+1cc to Ms.Dakshayani Reddy, Advocate, S.R.No.50322

W.P.No.19127 of 2015

SPD(CO)
BM 03/08/2018