



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.03.2018
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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) .No.1288 of 2014
and
M.P. (MD) .No.1 of 2014

- 1.The State of Tamil Nadu
Rep by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
 - 2.The Director of Elementary Education,
College Road, Chennai-600 006.
 - 3.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
 - 4.The Assistant Elementary Educational Officer,
Pappakudi,
Tirunelveli District. .. Appellants / Respondents
- Vs.

- 1.S.Velammal
Headmistress,
Panchayat Union Primary School,
Maruthampudur, Pappakudi Union,
Tirunelveli District. ... 1st Respondent/Writ Petitioner
- 2.E.Sudalaimani,
Headmaster,
Panchayat Union Middle School,
Pothukudi, Pappakudi Union,
Thirunelveli District-627 851.
- 3.B.Kannagi,
Headmistress,
Panchayat Union Middle School,
Thalaisubramaniapuram,
Pappakudi Union,
Thirunelveli District-627 851.



4.H.Rosy,
Headmistress,
Panchayat Union Middle School,
Kasinathapuram, Pappakudi Union,
Thirunelveli District-627 851.

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5.K.Gandhimathi
Headmistress,
Panchayat Union Middle School,
Kumarasamiapuram, Pappakudi Union,
Thirunelveli District-627 851.

...2 to 5 Respondents /Respondents 5 to 8

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD).No.3869 of 2012 dated 15.07.2014.

Prayer in WP(MD). 3869/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorarified mandamus , relating to the impugned proceedings issued by the 3rd respondent DEEO dated 26.04.2011 removing the petitioner from her original position at Serial No.1 in the approved Panel / List dated 01.01.2011 for promotion to the post of Middle School Headmasters in the Pappakudi Panchayat Union and his consequent proceedings in Na.Ka.NO.3712/A3/2011 dated 21.12.2011 giving promotions to the petitioner s juniors viz., respondentns 5 to 8 herein, and quash the same and further direct the respondents 3 & 4 to give promotion to the petitioner as Middle School Headmistress forthwith on the basis of her position in the original panel/list dated 01.01.2011 with all attendant benefits.

For Appellant : Mr.VR.Shanmuganathan
Spl. Government Pleader

For R1 : Mr.T.Cibi Chakraborty
For R2 to R5 : No appearance

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellant and Mr.T.Cibi Chakrborthy, learned counsel appearing for the first respondent.

2.This appeal by the State is directed against the common order passed in W.P.(MD).No.3869 of 2012, dated 15.07.2014.

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

3.The question is whether the qualification acquired by the respondent/writ petitioner viz., Diploma in Teacher Education is



equivalent to Plus-two. This issue got settled in the year 2012, when the Government issued clarification that both the qualifications are equivalent. However, in the interregnum, the panel for promotion to the post of Middle School Headmistress was drawn in the year 2011. The names of the respondents were removed from the panel on 16.12.2011 on the ground that they did not possess the requisite qualifications as they did not have Plus-two qualification.

4.However, the issue got settled in the year 2012, when both the qualifications were held to be equivalent. In the mean while, on 21.12.2011, the juniors of the first respondent/writ petitioner were promoted and as of now, the respondents have retired from service. The legal issue is as to how the Government order pertaining to clarification has to be interpreted, which has been considered in several decisions and it was held that the clarification date and back to the date of acquiring qualification.

5.Thus, the legal issue has to be decided in favour of the first respondent/writ petitioner and they are entitled to be notionally considered for promotion in the year 2011 panel to be placed above immediate juniors of the respondents. As a consequence of such notional promotion the service benefits except monetary benefits, shall extend to the respondents. The above exercise shall be complied with by the appellant within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

+1cc to Mr.CIBI CHAKRABORTHY, Advocate, SR.No. 55569

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and
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14.03.2018

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