



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

W.A(MD)No.1418 of 2014
and
M.P(MD)No.2 of 2014

- 1.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
 - 2.The District Educational Officer,
Aruppukkottai, Virudhunagar District.
..Appellants/ Respondents 1 and 2
- Vs.

- 1.Sasikala
..First Respondent/Writ Petitioner
- 2.The Secretary,
S.B.K. (Boys) Higher Secondary School,
Aruppukkottai, Virudhunagar District.
..Second Respondent/Third Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 16.09.2013, made in W.P(MD)No.8378 of 2012.

Prayer in WP(MD). 8378/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus , in the nature of writ, calling for the records pertaining to the order passed by the 2nd Respondent in his proceedings O.Mu.No.1830/A2/2012 dated 08.05.2012 and quash the same and direct the respondents to approve the promotion of the petitioner as P.G Assistant (English) and confer all the consequential benefits, and pass such further or other orders.

For Appellants : Mr.VR.Shanmuganathan,
Special Government Pleader.

For Respondent No.1 : Mr.K.Govindarajan

For Respondent No.2 : Mr.S.Parthasarathy

J U D G M E N T

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

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader, appearing for the appellants, Mr.K.Govindarajan, learned counsel appearing for the first respondent as well as Mr.S.Parthasarathy, learned counsel appearing for the second respondent.

2.This writ appeal is directed against the order, made in W.P (MD)No.8378 of 2012, dated 16.09.2013, filed by the first respondent herein. The said writ petition was filed, for issuance of a writ of certiorarified mandamus, to quash the order of the second appellant, vide his proceedings, dated 08.05.2012 and also to direct the appellants to approve the promotion of the petitioner, as P.G. Assistant in English.

3.The only issue is whether the petitioner, who holds a cross major degree, i.e., who is a B.Sc.[Physics] candidate, holds a Master Degree in English with B.Ed. qualification, is entitled to be appointed as P.G. Assistant in English. Two contentions are advanced before us. The first one is that in terms of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 and in particular, under Annexure - V of the Rules in Chapter IV(4), the preference is to be given to those persons, who have studied the same subject in degree and Master's degree level. This Rule was considered by the Writ Court and was rightly held that there is no bar, for considering a candidate for appointment, as the Rule provides for grant of preference. Thus, there is no illegality in considering a person with cross major degree. Further, the Writ Court, took into consideration the decision of the Hon'ble Division Bench of this Court in Director of School Education, Chennai - 6 and others v. Geldon Wifred Viole and another reported in 2009(2) TLNJ 101 (Civil) and allowed the writ petition.

4.In the light of the finding recorded by the Writ Court and the decision of the Division Bench rendered to therein and as there is no prohibition for considering a cross major degree candidate, we find that the appellants have not made out any ground, to interfere in the order passed in the writ petition. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(As)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Educational Officer, Virudhunagar, Virudhunagar District.

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

2.The District Educational Officer, Aruppukkottai,
Virudhunagar District.



+1CC to Mr.K.Govindarajan, Advocate, SR.No. 50030
+1CC to Mr.S.Parthasarathy, Advocate, SR.No. 49702
+1CC to the Special Government Pleader SR.No.50190

WEB COPY

JUDGMENT MADE IN
W.A (MD) No.1418 of 2014
and
M.P (MD) No.2 of 2014
19.02.2018

smn
AM/GT/SAR 4/05.03.2018/3P/6C