



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

THE HON'BLE MR. JUSTICE **M.M.SUNDRESH**

and

THE HON'BLE MR. JUSTICE **N.SATHISH KUMAR**

W.A. (MD) No.1415 of 2017

and

C.M.P. (MD) No.10511 of 2017

1.The Secretary to Government,
Health and Family Welfare Department,
Chennai - 9.

2.The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 10.

... Appellants/Respondents

Vs.

K.Satheesh Selvakumar

... Respondent/Petitioner

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 25.02.2014 made in W.P.No.8796 of 2010.

Prayer in WP(MD)No. 8796 of 2010 :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner for promotion to the post of Librarian Grade - I for the year 2007-2008 in terms of the list of panel approved by the 2nd respondent dated 3.10.2008 and consequently direct the 2nd respondent to give all the consequential service benefits to the petitioner.

For Appellants	: Mr.N.Shanmugaselvam Additional Government Pleader
For Respondent	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

This writ appeal has been preferred against the order of the learned Single Judge, who was pleased to issue a direction to the appellants to consider the case of the respondent for promotion to the post of Librarian Grade - I for the year 2007 - 2008 in terms of panel for promotion, dated 08.10.2018 notwithstanding the fact that qualification is lacking.

2.Heard Mr.N.Shanmugaselvam, learned Additional Government Pleader, appearing for the appellant and Mr.C.Venkatesh Kumar, learned counsel appearing for the respondent.



3.Learned Additional Government Pleader would submit that the respondent did not complete the degree through the normal course, but did under the open university. Thus such degree cannot be considered as valid for promotion.

4.The learned counsel appearing for the respondent would submit that now the respondent has completed the degree in December, 2013 and therefore for the year 2014 he can be considered for promotion.

5.The law is quite settled on this issue. The degree obtained from open university cannot be accepted as a valid degree, contrary to the one stipulated by the University Grants Commission. Therefore, such a degree cannot be taken note for promotion. However, in as much as the respondent has completed the degree in the year December, 2013 through Annamalai University, the appellants are directed to consider the case of the petitioner for promotion to the post of Librarian Grade - I for the academic year 2014 - 2015. The needful will have to be done within 8 weeks from the date of receipt of a copy of this order. However, such seniority will have to be recognized for the other purposes and there is no question of payment of any back wages or higher salary in the promoted cadre.

6.With the above direction and observation, this Writ Appeal stands disposed of. Consequently, connected civil miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Secretary to Government,
Health and Family Welfare Department,
Chennai - 9.

2.The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 10.

+1cc to M/s.Ajmal Associates, Sr.No.90071

SJ

VB/PM/SAR3/20.11.2018/2P/4C