

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.16441 of 2009

R.Babu Rajendra Prasad

... Petitioner

Vs

1. The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.
2. The Joint Director of School Education
(Personnel),
College Road, Nungambakkam,
Chennai-600 006.
3. The Chief Educational Officer,
Krishnagiri,
Krishnagiri District.
4. The District Educational Officer,
Krishnagiri, Krishnagiri District.
5. The Headmaster,
Rajaji Memorial Government High School,
Perandapalli, Krishnagiri.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Proceeding Na.Ka.No.59008/C5/E1/08 dated 20.08.2008 passed by the Joint Director of School Education (Personnel), Chennai-600 006, the 2nd respondent herein and quash the same and further direct the respondents to include the petitioner's name in the panel fit for promotion to the post of Telugu Pandit and award consequential promotion based on the petitioner's seniority.

For Petitioner : Mr.K.Thennan

For Respondents : Mr.K.Karthikeyan,
Government Advocate

O R D E R

Challenging the Proceeding Na.Ka.No.59008/C5/E1/08 dated 20.08.2008 passed by the Joint Director of School Education (Personnel), Chennai-600 006, the 2nd respondent herein, quash the same and for further direction, directing the respondents to include the petitioner's name in the panel fit for promotion to the post of Telugu Pandit and for awarding consequential promotion based on his seniority, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that the petitioner was initially appointed as Secondary Grade Assistant Teacher (Telugu) on 25.02.1999 in Government High School, Pukkasagaram. He has passed B.Com. Degree in the year 1986, M.A. Degree (Telugu Literature) in 1995, TCH in April, 1991, S.S.L.C. Tamil Language Paper in March, 2003 and he has also passed M.A. Degree (Telugu Literature). Therefore, he is eligible to be promoted to the post of Telugu Pandit. Although the petitioner possessed all the requisite qualifications fit for promotion to the post of Telugu Pandit, the respondents instead of including his name in the panel of Secondary Grade Assistant Teachers fit for promotion to the post of Telugu Pandit, refused to consider his request for promotion to the said post for the reason that though the petitioner has passed the S.S.L.C. Tamil Language Paper, but not passed the Tamil Paper in the examination conducted by the Tamil Nadu Public Service Commission. The petitioner also has given his Undertaking Letter to the Chief Educational Officer, Dharmapuri on 12.12.2003 stating that he was not willing to get promoted to the administrative post, but never relinquished his promotion in the line of teacher. Therefore, the respondents should have included his name in the panel of Secondary Grade Assistant Teachers fit for promotion to the post of B.T. Assistant in Telugu Subject. But the case of the petitioner was not considered. Therefore, questioning the impugned order of the 2nd respondent dated 20.08.2008, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner further submitted that during the pendency of the Writ Petition, the petitioner has also passed the Tamil Language Test conducted by the Tamil Nadu Public Service Commission on 16.08.2010. Therefore, the ground on which the request of the petitioner was refused that the petitioner has not passed the Tamil Language Paper in the examination conducted by the TNPSC is also vanished. Therefore, now the petitioner stands eligible for promotion to the post of B.T. Assistant in Telugu. Hence, a direction be issued by setting aside the impugned order, it is pleaded.

4. A detailed Counter Affidavit has been filed by the 3rd respondent.

5. Reiterating the stand taken in the counter affidavit filed by the 3rd respondent, Mr.K.Karthikeyan, learned Government Advocate submitted that the petitioner has passed Tamil at S.S.L.C. Level in March, 2003, but he has not passed Tamil Language Test conducted by the TNPSC. Therefore, as per the Rule 13, the petitioner was not eligible for Telugu Pandit promotion because he has not obtained any degree or diploma in the teaching of Telugu Language.

6. Heard the submissions made on either side. I have also carefully perused the materials available on record.

7. A perusal of the Additional Typed set of papers of the petitioner discloses that the petitioner has passed M.A. Degree in Telugu Literature on 23.1.1996, obtained B.Com. Degree on 31.10.2008 and B.Ed. Degree on 11.8.2017 and also obtained Genuineness Certificate for B.Ed. Degree on 13.02.2018. Therefore, when these qualifications were acquired by the petitioner, during the pendency of the Writ Petition, he stands eligible and qualified to the said post.

8. At this stage, the learned Government Advocate for the respondents submitted that since the petitioner has subsequently become qualified further passing the Tamil Test conducted by the TNPSC on 16.08.2010 and also obtained B.Com. Degree on 31.10.2008, B.Ed. Degree on 11.8.2017 and Genuineness Certificate for B.Ed. Degree on 13.02.2018, the case of the petitioner for promotion will be considered on the basis of his qualifications.

9. Recording the said statement of the learned Government Advocate for the respondents, the impugned order of the 2nd respondent dated 20.08.2008 is hereby set aside and the respondents are directed to consider the name of the petitioner in the panel of Secondary Grade Assistant Teachers fit for promotion to the post of B.T. Assistant Telugu as on 01.01.2011.

10. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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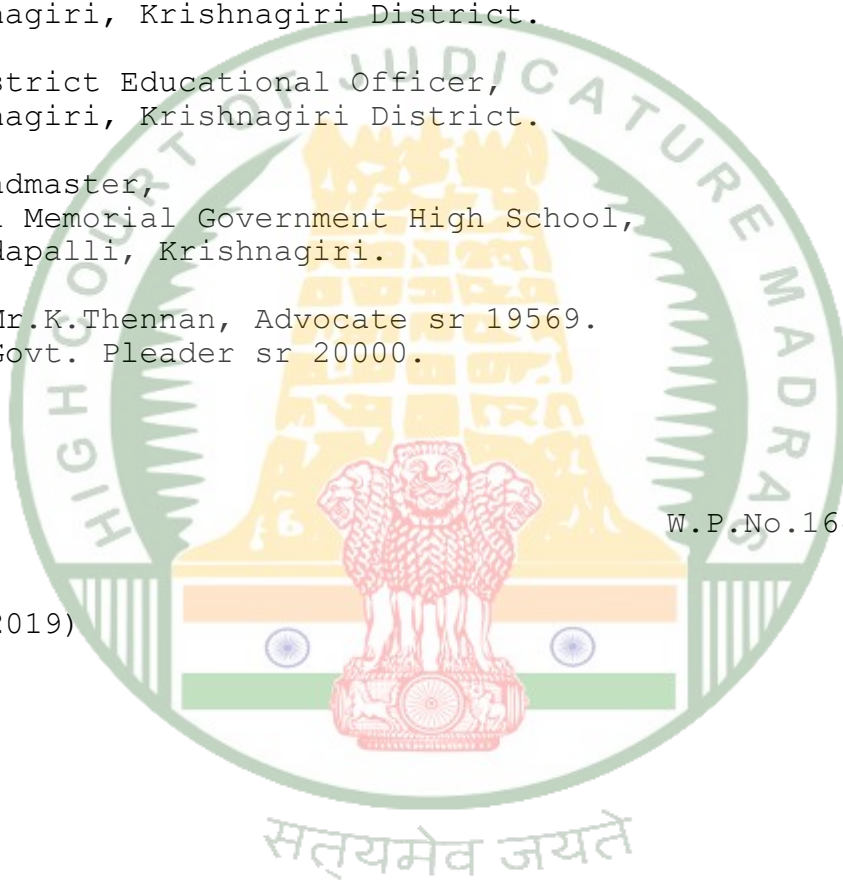
To

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Perandapalli, Krishnagiri.

+1 CC to Mr.K.Thennan, Advocate sr 19569.
+1 CC to Govt. Pleader sr 20000.

SKV(CO)
SP(29/03/2019)

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