

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :03.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.742 of 2018
and
WMP.No.901 of 2018

P. Shanmuga Perumal

..Petitioner

vs

1. Government of Tamil Nadu,
represented by Principal Secretary,
to Government (School Education Department),
Secretariat,
Chennai- 600 009.

2. The Director of Elementary Education,
Chennai - 600 006.

3. The District Elementary Educational Officer,
Tiruvanamalai.

4. The Assistant Elementary Educational Officer,
Arni, Tiruvanamalai District.

5. The Additional Elementary Educational Officer,
Arni, Tiruvanamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus or any other appropriate writ, order or direction in the nature of a writ, calling for the records on the file of the third respondent relating to Pro Na.Ka.No.6502/A4/2016 dated .01.2017 (Signed on 01.02.2017) to quash the same and to issue consequential directions to the respondents to include the name of the petitioner in the panel for promotion to the Post of Graduate Teacher (Science) in the appropriate place therein in Arni Union Tiruvannamalai District and to promote the petitioner as such with retrospective effect from the date of promotion of immediate Junior with consequential benefits and pass orders.

For Petitioner : Mr. M. Ravi
For Respondents : Mr. A. Rajaperumal,
Additional Government Pleader

O R D E R

The case of the petitioner is that the petitioner is serving as Secondary Grade Teacher in Arni Panchayat Union in Tiruvanamalai District from 18.08.2006 and have acquired B.E. (Electronics and Communication) degree from Vellore Institute of Technology in the year 1998 and B.Ed Degree Course through Annamalai University in the year 2013. He acquired all the relevant qualifications and became fully qualified and eligible for empanelment and promotion as Graduate Teacher (Science).

2. Though the petitioner claim was recommended by the fourth respondent and the same was rejected by the 3rd respondent on the ground that the professional course degree not equivalent to B.sc Science graduates. Against which the present Writ Petition is filed.

3. The learned counsel for the petitioner would submit that in order to treat the professional course degree on par with Science Degree, it is for the Government to take policy decision in which the 3rd respondent have no power to decide the petitioner's issue. Accordingly the petitioner made a representation to the Government for taking policy decision and consider his professional degree on par with and equivalent to Bsc Science degree. It would be suffice to issue a direction to the respondent to consider afresh and for which the petitioner may be permitted to make a fresh representation to Government. If any such representation is made, the official respondent is directed to consider and pass orders.

4. As per the existing scheme, petitioner is not entitled to claim his professional course to be equivalent to the Science graduation course. I do not find any fault in the impugned order in the Writ Petition. However for treating the petitioner's professional degree on par with

Science graduation degree, it is for the Government to take a decision on this aspect. In such circumstances, the petitioner is permitted to make fresh representation to the Government and the Government on such representation to take police decision in this aspect. Accordingly, Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrn

To,

1. Government of Tamil Nadu,
represented by Principal Secretary,
to Government (School Education Department),
Secretariat,
Chennai- 600 009.

2. The Director of Elementary Education,
Chennai - 600 006.

3. The District Elementary Educational Officer,
Tiruvanamalai.

4. The Assistant Elementary Educational Officer,
Arni, Tiruvanamalai District.

5. The Additional Elementary Educational Officer,
Arni, Tiruvanamalai District.

+1 cc to Government Pleader Sr.No. 76887

+1cc to Mr.M.Ravi,Advocate SR.No. 76473

W.P.No.742 of 2018

and

WMP.No.901 of 2018

A.SK(16/10/2019)

WEB COPY