

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32256 of 2019

And

W.M.P.Nos.32547 and 32548 of 2019

Sivakumar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Rep. by its Director of School Education,
College Road,
Chennai 600 006.
 - 2.The Government of Tamil Nadu,
Rep. by its Joint Director of School Education for Higher
Secondary
College Road,
Chennai 600 006.
 - 3.The Chief Educational Officer,
Krishnakiri,
Krishnakiri District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records sequel to the impugned order passed by the impugned proceedings of the 3rd respondent in Proc.No.Na.Ka.En.1014/A2/2019, dated 26.08.2019 and to quash the same and consequently direct the respondents to give promotion to the petitioner for the post of Physical Education Director Grade-1 and provide all consequential benefits with effect the date of promotion given to his junior with all attendant and monetary benefits.

For Petitioner : Mr.V.Govardhanan
For Respondents : Ms.P.Kavitha
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records sequel to the impugned order passed by the impugned proceedings of the third respondent in Proc.No.Na.Ka.En.1014/A2/2019, dated 26.08.2019 and to quash the same and to consequently direct the respondents to give promotion to the petitioner for the post of Physical Education Director Grade-1 and provide all consequential benefits with effect from the date of promotion given to his junior with all attendant and monetary benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate.

3.The case of the petitioner is that the petitioner was initially appointed as Physical Education Teacher and he joined duty on 07.04.1998 in Government High School, Puliampatti. Thereafter, the petitioner was given promotion as Graduate Teacher in Science subject and posted at Government Boys Higher Secondary School, Krishnakiri District.

4.It is the further case of the petitioner that he studied B.Sc.Zoology in University of Madras and completed the same during September, 1985; Bachelor of Physical Education in Bharathiyar University and completed the same during May, 1987; Master of Physical Education in Bharathiyar University and completed the same during May, 1988; Master of Arts in English and completed the same during May, 2008; B.Ed. and completed the same during June, 2008; and M.Phil in Physical Education and completed the same during March, 2008.

5.It is the further case of the petitioner that one Balasubramaniyan who worked as History Teacher in Kamaraj Municipal Higher Secondary School possessed qualification similar to the petitioner and the said Balasubramaniyan was given promotion as Physical Education Director Grade-1 during the year 2006. Hence, the petitioner vide letter dated 19.04.2019 requested the respondents through proper channel to give promotion to him as Physical Education Director Grade-1, however, his request was rejected by the third respondent vide proceedings dated 26.08.2019, on the ground that Physical Education Director Grade-2 is the feeder post to grant promotion for Physical Education Director Grade-1. Challenging the said proceedings the petitioner has filed this writ petition.

6.The learned counsel for the petitioner would submit that one Balasubramaniyan who worked as History Teacher in Kamaraj Municipal Higher Secondary School possessed qualification similar to the petitioner and the said Balasubramaniyan was given promotion as Physical Education Director Grade-1 during the year 2006. Hence, the same benefit may be extended to this petitioner also.

7.Admittedly, the petitioner does not possess the qualification necessary for the post of Physical Education Director Grade-1. Unless the petitioner reaches the feeder category i.e., Physical Education Director Grade-2, he is not entitled to get promotion as Physical Education Director Grade-1. Since the petitioner is working as Graduate Teacher in Science subject which is academic subject, he is not entitled to get promotion as Physical Education Director Grade-1 for lack of qualification.

8.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

-Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Director of School Education,
College Road,
Chennai 600 006.

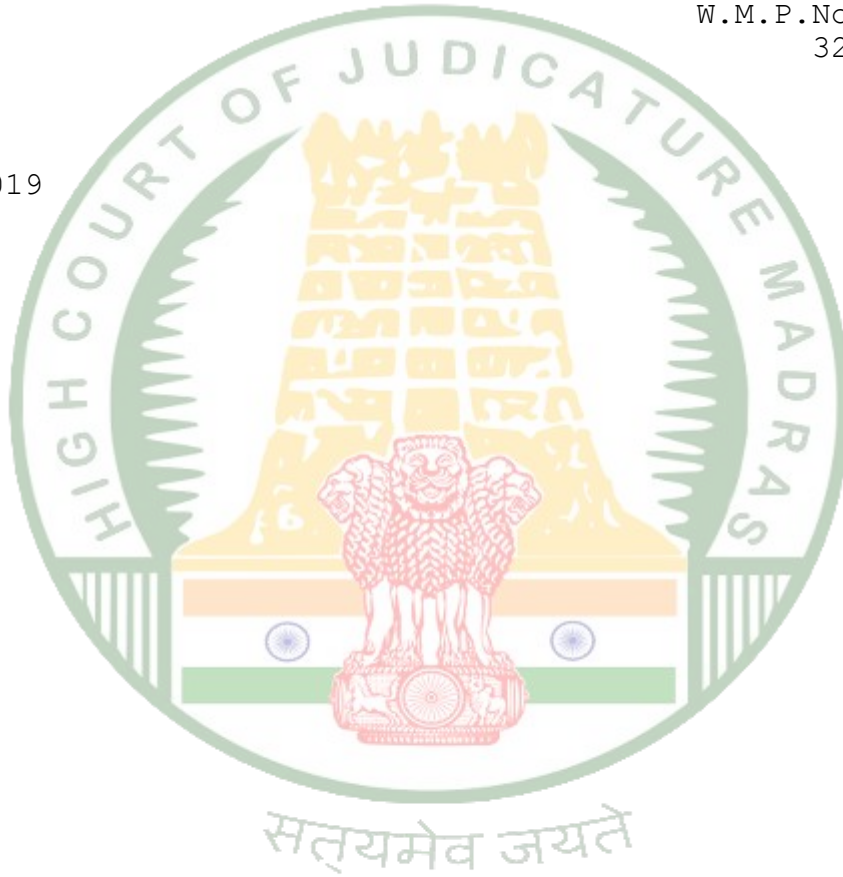
2.The Government of Tamil Nadu,
Rep. by its Joint Director of School Education for Higher
Secondary
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Krishnakiri,
Krishnakiri District.

+1 cc to M/s.R.Thirumoorthy Advocate sr95933
+1 cc to Government Pleader High Court Madras
sr96589

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