



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 7998 of 2012

and

M.P. (MD) Nos. 2 of 2012 and 2 of 2014

WEB COPY

N.Venkataramanujam

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai.
3. The District Elementary Educational Officer,
O/o. The District Elementary Educational,
Collectorate, Virudhunagar District.
4. The Assistant Elementary Educational Officer,
Satchiyapuram, Sivakasi West,
Virudhunagar District.
5. K. Nagamani

6. R. Chiyamala Devi

... Respondents

(R5 and R6 impleaded as per Order dated 25.06.2014 in M.P. (MD) No. 1 of 2014)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Government order passed by the first respondent in his proceedings in G.O. Ms. No. 15, School Education (C.2) Department, dated 23.01.2012 and quash the same as illegal insofar as it relates to fill up the post of B.T. Assistants by way of direct recruitment is concerned and consequently, to direct the respondents to consider the petitioner for appointment to the post of B.T. Assistant (English) by promotion in the vacancy sanctioned on account of upgradation of schools in the Sivakasi Union, Virudhunagar District as per the panel of Secondary Grade Teachers / Elementary School Headmistress fit for promotion to the post of B.T. Assistant (English) as on 01.01.2012 within the period that may be stipulated by this Court.



For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates.
For R1 to R4 : Mrs.S.Srimathy,
Special Government Pleader.
For R5 and R6 : Mr.A.Rahul

ORDER

The writ petitioner seeks appointment to the post of B.T. Assistant (English) by way of promotion in the sanctioned post.

2.The learned Special Government Pleader appearing on behalf of the official respondents and the learned counsel appearing on behalf of the private respondents made a submission that the writ petitioner is possessing double degree and he has obtained B.A., English through one sitting course. Such a degree obtained is not a valid degree for the purpose of granting promotion to the post of B.T. Assistant (English). B.A., English degree obtained by one sitting cannot be a valid qualification for the purpose of appointing the teaching faculty in schools.

3.The Courts have repeatedly held that the teaching faculties are to be filled up only through the candidates, who studied the degree of Post Graduate etc., in a regular scheme by attending the regular classes in colleges.

4.Thus, the persons, who studied in regular courses in accordance with the UGC regulation pattern as well as in a regular collage, alone are to be considered for appointment in teaching faculty.

5.This being the consistent view taken by the Courts, the double degree obtained by the writ petitioner is not a valid degree for the purpose of granting promotion. The nature of degree obtained by the writ petitioner was narrated in the counter affidavit filed by the fourth respondent in Paragraph No.8, which is extracted hereunder:-

"8.It is submitted that the above said G.O.No.172, dated 11.07.2012, clearly showing that the 942 B.T. Assistant vacancies can be filled by way of promotion from the qualified Secondary Grade Teachers. At this juncture this petitioner's is disqualified because she is having the double degree certificate. This petitioner's double degree certificate in B.A. English is not a valid one for the promotion of B.T. Assistant Post. The Hon'ble Madras High Court delivered the judgment in W.P.Nos.19631 of 2011, W.P.No.14864 to 14866 of 2012 and other batch cases ordered as Dual degree cannot be a basis for promotion. A batch of Writ Petitions filed by Secondary grade teachers. A person



who had studied a degree course in a subject of duration of three years and a person who studied a degree course in the same discipline for one year could never be considered equals. Hence, as per the Hon'ble High Court judgment in the above said Batch cases and the G.O.No.172, dated 11.07.2012 this petitioner is not qualified for the B.T. Promotion."

6. In view of the same, the writ petitioner is not entitled for promotion with reference to the qualification acquired by him. Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
State of Tamil Nadu,
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O/o. The District Elementary Educational,
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Virudhunagar District.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate SR-77579.
+1 CC to SPL GP SR-77757.

W. P (MD) No. 7998 of 2012
24.07.2019

CS (02.08.2019) 3P 7C