



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.10901 of 2015

and

MP (MD) No.1 of 2015

U.Sankar

... Petitioner

Vs.

1.The Joint Director of School Education,  
Directorate of School Education,  
Chennai - 6.

2.The District Educational Officer,  
Ramanathapuram District,  
Ramanathapuram.

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

4.The Head Master,  
Government Higher Secondary School,  
Keelathuval, Ramanathapuram District.

... Respondents

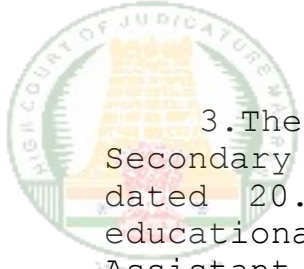
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the first respondent vide his proceedings in Na.Ka.No.95933/C2/E1/2009, dated 25.06.2015 and quash the same and consequently, to direct the respondents to permit the petitioner to continue as B.T. Assistant in the fourth respondent school.

|                 |                            |
|-----------------|----------------------------|
| For Petitioner  | : Mr.P.Gunasekaran         |
| For Respondents | : Mrs.S.Srimathy           |
|                 | Special Government Pleader |

### ORDER

Seeking to quash the impugned order passed by the first respondent, dated 25.06.2015 and for a direction to the respondents to permit the petitioner to continue as B.T.Assistant in the fourth respondent school, the present writ petition came to be filed.

2.Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials availble on record.



3.The case of the petitioner is that he was appointed as Secondary Grade Teacher by the proceedings of the third respondent dated 20.01.2001. Thereafter, upon completing the prescribed educational qualifications, he was promoted to the post of B.T. Assistant (Science) on 14.07.2008. While so, the first respondent issued a show cause notice to the petitioner, whereby and whereunder, he was asked to give his explanation as to why he should not be demoted from the post of B.T. Assistant to the post of Secondary Grade Teacher, since he got promotion on the basis of the degree of B.Sc (Applied Chemistry). Upon receipt of the same, he sent his explanation stating that B.Sc (Applied Chemistry) is equivalent to B.Sc (Chemistry), as certified by Annamalai University. Being not satisfied with the same, the first respondent vide impugned order, dated 25.06.2015, reverted the petitioner from the post of B.T. Assistant to the post of Secondary Grade Teacher. Aggrieved over the same, the petitioner filed this writ petition with the above prayer.

4.The learned Counsel for the petitioner submitted that as per the certificate issued by Annamalai University, there is no difference between the courses and B.Sc (Applied Chemistry) is equivalent to B.Sc (Chemistry) and hence, the order passed by the first respondent reverting the petitioner from the post of B.T Assistant to the post of Secondary Grade Teacher is arbitrary, illegal and unsustainable in law. The learned counsel further relied upon an order of this Court in W.P.No.19425 of 2015, dated 15.09.2015, wherein, it is observed as follows:

*"6.The fact remains that the petitioner by virtue of her qualification, got temporary promotion as B.T.Assistant (Chemistry) on 22.12.2003, and continued to hold the post till the impugned order of reversion dated 25.06.2015, for nearly 12 years. As rightly contended by the learned Senior Counsel appearing for the petitioner, G.O.Ms.No.172, Higher Education (K2) Department, dated 30.09.2014, cannot be construed as prospective, as it is a settled position of law that the administrative orders/instructions cannot be given effect retrospectively. This Court can also take note of the fact that the petitioner had also gained experience by taking classes in Chemistry Subject for students studying in 6<sup>th</sup> to 10<sup>th</sup> Standards, for nearly 12 years and therefore, she cannot be reverted to the post of Secondary Grade Teacher after nearly 12 years from the date of the earlier promotion.*

7.This Court, taking into consideration the above special facts and circumstances and in the light of the long period of experience, gained by the petitioner by taking classes as B.T.Assistant (Science), is of the ~~considered~~ view that the order of reversion is to be set aside."



Hence, the learned Counsel prayed for a similar order in this writ petition as well.

5.The learned Special Government Pleader appearing for the respondents has no serious objection for granting such relief to the petitioner herein.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned Counsel on either side and also in the light of the aforesaid order, which holds good to the petitioner herein, who worked as B.T Assistant from 14.07.2008 till the impugned order of reversion dated 25.06.2015, this Court is inclined to pass the following order:

*1)The impugned order dated 25.06.2015 passed by the first respondent, is quashed.*

*2)The respondents are directed to give necessary posting to the petitioner in the post of B.T.Assistant (Science) and take necessary steps to approve the said appointment in accordance with the relevant norms and regulations and also extend all consequential benefits, as expeditiously as possible.*

7.The writ petition is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Joint Director of School Education,  
Directorate of School Education,  
Chennai - 6.

2.The District Educational Officer,  
Ramanathapuram District,  
Ramanathapuram.

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



4.The Head Master,  
Government Higher Secondary School,  
Keelathuval, Ramanathapuram District.

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+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.53727

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.53222

ORDER MADE IN  
W.P (MD) No.10901 of 2015  
11.03.2019

SCR (CO)

TR (28.05.2019) 4P 7C