

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.14211 of 2007
(O.A.No.4147 of 2003)

A.Anjalidevi

...Petitioner

.Vs.

1. The Director/Commissioner,
Adi-Dravidar & Tribal Welfare Department,
Chepauk, Chennai - 600005.

2. The District Adi-Dravidar Welfare Office,
Vellore District.

...Respondents

PRAYER : Originally this petition has been filed as Original Application No.4147 of 2003 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.14211 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 2nd respondent herein which is made in Na.Ka.K3.47537/99, dated 11.12.2003 received on 19.12.2003 and set aside the same in so far as the applicant is concerned.

For Petitioner : Mr.Premkumar
for Mr.R.Malaichamy

For Respondents: Mr.P.Chinnadurai
Additional Government Pleader

ORDER

This Writ Petition has been filed calling for the records pertaining to the order of the second respondent herein which is made in Na.Ka.K3.47537/99, dated 11.12.2003 received on 19.12.2003 and set aside the same insofar as the petitioner is concerned.

2. It is averred in the writ petition that the petitioner

has filed the Original Application before the Tamil Nadu Administrative Tribunal, Chennai. Subsequently, due to abolition of the Tribunal, this matter was transferred to this Court and renumbered as W.P.No.14212 of 2007.

3. The case of the petitioner is that initially she was appointed as a Lab Assistant and gave 12 years to her service. In the meanwhile, she attained B.Ed qualification and gave representation to the second respondent for the appointment to the post of B.T. Assistant or Secondary Grade Teacher. Considering her representation, the petitioner was promoted as a Secondary Grade Teacher vide order dated 14.10.1997 and thereby, the petitioner joined the said post on 15.10.1997. Further, the second respondent issued the impugned order dated 11.12.2003, reverting the petitioner to her parent post and also to recover pay and allowances paid to her. Challenging the said reversion the petitioner filed O.A.No.4147 of 2003 before the Tamil Nadu Administrative Tribunal which was thereafter renumbered as W.P.No.14211 of 2007 and since no order was passed in O.A.No.4147 of 2003 and in W.P.No.14211 of 2007, she started working as Lab Assistant and further, the second respondent revised the salary of the petitioner and directed the recovery of excess salary paid to her by proceedings in Na.Ka.K3.47537/99, challenging the same the petitioner filed writ petition in W.P.No.14508 of 2006 before this Court and this Court allowed the writ petition and quashed the order of recovery of excess salary paid to the petitioner.

4. Mr.P.Chinnadurai, learned Additional Government Pleader would submit that initially the petitioner worked as a Lab Assistant and during that period she acquired B.Ed qualification for which she made a request to be promoted as B.T.Assistant or Secondary Grade Teacher before the second respondent. Since there was no vacancy for the post of B.T.Assistant, she was promoted to the post of Secondary Grade Teacher. Thereafter, the second respondent found that she was not eligible to be promoted as a Secondary Grade Teacher, the earlier order promoting the petitioner was cancelled and impugned order dated 11.12.2003 was issued to revert the petitioner to the post of Lab Assistant and to recover the pay and allowance paid to her.

5. Considering the facts and circumstances of this case, this Court is of the opinion that since the petitioner was not possessing adequate qualification and does not hold the qualification prescribed for the post of Secondary Grade Teacher and only holds BTC Certificate, the promotion of the petitioner itself is illegal and contrary to the Rules prescribed thereunder and hence challenge to the reversion order passed by the second respondent has no merit.

6. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Director/Commissioner,
Adi-Dravidar & Tribal Welfare Department,
Chepauk, Chennai 600 005.
2. The District Adi-Dravidar Welfare Office,
Vellore District.

+1cc to Mr.R.Malaichamy, Advocate, Sr.No.34304
+1cc to the Government Pleader, Sr.No.34681

W.P.No.14211 of 2007

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