

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13104 of 2017 and
W.M.P.No.13998 of 2017

K.Mahadevaiah

.... Petitioners

Vs.

1. The Director of Elementary Education,
O/o the Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 034.
2. The District Elementary Education Officer,
O/o the District Elementary Education Officer,
Erode District, Erode.
3. The Assistant Elementary Educational Officer,
Thalavadi Panchayath Union,
Thalavadi, Erode District. Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ, order, or direction in the nature of a writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the 3rd respondent dated 08.05.2017 in Na.Ka.No.92/2017 and quash the same and consequently, direct the 2nd and 3rd respondent to revalue petitioner's degree certificate B.A. (English).

For Petitioner : Mr.L.Chandrakumar
for Mr.N.Chinnaraj

For Respondents : Mrs.P.Kavitha, Gov. Advocate.

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O R D E R

This writ petition has been filed to quash the proceedings issued by the 3rd respondent dated 08.05.2017 in Na.Ka.No.92/2017 and consequently and direct the 2nd and 3rd respondent to revalue petitioner's degree certificate B.A. (English).

2. The case of the writ petitioners in nutshell is as follows.

The petitioner was appointed as Junior Secondary School Teacher at Union Panchayath Middle School at Thalavadi on 07.02.2006 by the 2nd respondent and his service was

regularized on 01.06.2006 and after completion of probation on 31.05.2008, his appointment was made permanent. The petitioner had completed his B.A. (English) degree course during the period 2008-2012 at Open University, Mysore, Karnataka and submitted his degree certificate for valuation to the 2nd respondent on 14.01.2015 through the Assistant Elementary Education Officer at Thalavadi. But the 2nd respondent has not given the certificates to the petitioner.

2.1. While that being so, the first respondent by proceedings dated 22.01.2016, directed the 2nd respondent to send the list of teachers on seniority for promotion to the Higher Secondary Schools. Accordingly, the first respondent prepared an eligible list of candidate and the petitioner's name was found as 1st eligible candidate for promotion. Since the 2nd respondent has not issued the evaluation certificate of the degree certificate obtained by the petitioner, he made representation to the 2nd respondent to issue evaluation certificate. But by proceedings dated 12.01.2017, the 2nd respondent returned the petitioner's request stating that the petitioner has not obtained department permission to study higher education and he has studied B.A(Kannada) and that his degree was not in the list given by the first respondent as per G.O.No.483 dated 28.03.1988. Based on the proceedings of the 2nd respondent dated 12.01.2017, the 3rd respondent by his proceedings dated 08.05.2017 informed the same reason and removed his name from the promotion list.

2.2. The petitioner had obtained proper departmental permission vide proceedings dated 28.11.2008 in O.Mu.No.685/2008 and he has studied B.A (English). But the 2nd respondent without looking into the records and without proper appreciation, returned the evaluation and based on that, the third respondent also removed his name from the promotion list. Hence this writ petition.

3. The first respondent filed counter affidavit stating that the petitioner had completed the B.A. degree course in three major subjects i.e. English, History and Education. But the B.A. degree in English alone will be considered for promotion to the post of B.T.Assistant (English). Hence, the request of the petitioner for evaluation of B.A.(English) was rejected as per the proceedings issued by the 2nd respondent dated 12.01.2017, since the B.A. Degree certificate obtained by the petitioner is not equivalent to the B.A. English degree. Further, there is no entries in the service register of the petitioner with regard to the permission granted to study B.A. degree in the year 2008. The irregular incentive increment sanctioned to the petitioner has been subsequently cancelled by the orders of the 3rd respondent vide R.C.No.92 of 2013 dated 03.04.2017. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

4. The 2nd respondent filed counter affidavit stating that the name of the petitioner has been deferred in the panel for promotion since the B.A. degree and the consequential B.Ed. degree are not taken into account, as the B.A. degree obtained by the petitioner has not been valued for the following reasons.

i) No permission was granted by the competent authority to the petitioner for the higher study of B.A. degree in Karnataka State.

ii) The order dated 28.11.2008 with regard to the grant of permission for higher studies, produced by the petitioner is not acceptable, because, the date of application of the petitioner is not noted in that order, besides such permission was seems to have been granted only on 28.11.2008, i.e. after the commencement of course. There is no entries in the service register for the grant of such permission.

iii) As per G.O.No.483 School Education Department dated 28.03.1988, there is no provision for evaluating the qualification of B.A (English) obtained through Open University Mysore, Karnataka with the similar degree of Madras University, Tamilnadu. Hence, there is no merit in this writ petition and the same is liable to be dismissed.

5. Heard both sides and perused the materials on record.

6. It is the contention of the respondents that the petitioner is not eligible for promotion to the post of B.T. Assistant for the reason that he has not obtained B.A. degree in English alone, but he had obtained B.A. degree in three major subjects i.e. English, History and Education. The further contention is that as per G.O.No.483 School Education Department dated 28.03.1988, there is no provision for evaluating the qualification of B.A (English) obtained through Open University Mysore, Karnataka with the similar degree of Madras University, Tamilnadu and also there is no entry in the service register of the petitioner with regard to the grant of Departmental permission for higher studies. It is relevant to note that the petitioner has not produced any materials before this court to show that the B.A degree obtained by him in three major subsection i.e. English, History and Education is equivalent to B.A.(English). Hence this court cannot grant any relief to the petitioner, as the writ petition has no merit.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed. However, It is open to the petitioner to approach

appropriate authority for seeking equavalancy of the B.A (English, History, Education) degree obtained by him in University of Mysore, Karnataka with the similar degree B.A (English).

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mst
To

1. The Director of Elementary Education,
O/o the Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 034.
2. The District Elementary Education Officer,
O/o the District Elementary Education Officer,
Erode District, Erode.
3. The Assistant Elementary Educational Officer,
Thalavadi Panchayath Union,
Thalavadi, Erode District.

+1cc to Mr.N.Chinnaraj , Advocate SR.No. 4912

+1 cc to Spl Government Pleader Sr.No. 5288

W.P.No.13104 of 2017 and
W.M.P.No.13998 of 2017

A.SK(26/02/2020)

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