

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.3689 of 2012

1.R.Jayalakshmi
2.D.Rajkumar
3.T.N.Rathinavel Pandian
4.M.Ramkumar
5.S.Parameshwari
6.S.Portia
7.S.Kanni Marial
8.P.Jayabharathi
9.D.Velmurugan
10.S.Tamil Selvan
11.K.Sivakumar
12.S.Selvi
13.P.Thirumoorthi

...Petitioners

.Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government
School Education Department
Secretariat, Chennai - 600 009.

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

3.The Director of Elementary Education
College Road, Chennai 600 006.

4.The Joint Director of School Education (Personnel)
College Road, Chennai 600 006.

5.The Chief Educational Officer,
Villupuram District, Villupuram.

6.The Chief Educational Officer,
Cuddalore District, Cuddalore.

7.The Chief Educational Officer,
Ariyalur District, Ariyalur.

8.The Chief Educational Officer,
Nilgiris District, Nilgiris.

9.The Registrar
Ramakrishna Mission Vivekananda University
SRK Post,
Perianaickenpalayam
Coimbatore 641 020
Coimbatore District.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 1st - 8th respondents herein to include the name of the petitioners in the panel for promotion to the post of Physical Director Grade - II considering the additional qualification of B.P.Ed., Degree conferred by the 9th Respondent University to the petitioners and thereby grant all other attendant benefits applicable to the petitioners including promotion etc.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st - 8th respondents herein to include the name of the petitioners in the panel for promotion to the post of Physical Director Grade - II considering the additional qualification of B.P. Ed., Degree conferred by the 9th Respondent University to the petitioners and thereby grant all other attendant benefits applicable to the petitioners including promotion etc.

2.All these petitioners are working as Physical Education Teachers in various Government High Schools at various places.

3.During their service after getting necessary promotion from the respective officers or authority, they have acquired additional qualification B.P.Ed., in the year 2009-2010 and 2011.

4.The B.P. Ed. is one of the essential qualification for consideration for the promotion to the post of Physical Education Teacher Grade II, for which, according to the petitioners, they are eligible in view of acquiring of their additional qualification of B.P. Ed. Despite the qualification

having been acquired, according to the petitioners, their names have not been included in the panel fit for promotion to the post of Physical Education Teacher Grade II and in this regard, in order to include their name in the panel, they have given a representation jointly to the respondents on 24.09.2011 and since the said representation was not considered, they approached this Court by filing the present writ petition.

5.Heard Mr.J.Selvarajan, learned counsel appearing for the petitioner, who has reiterated the above facts and seeks indulgence of this Court.

6.Heard Mr.S.Suresh Kumar, learned Government Advocate appearing for respondents 1 to 8, who would submit that, the petitioners have claimed that they have obtained the degree of B.P. Ed. from the 9th respondent University viz., Ramakrishna Mission Vivekananda University at Coimbatore. In this regard, he would also submit that, whether the said University is a recognised University under the provisions of the University Grants Commission Act either as an Deemed to be University or otherwise and without verifying those factors, the degree said to have been obtained by these petitioners from the said University i.e., 9th respondent cannot be taken as a valid qualification for the purpose of giving promotion.

7.Be that as it may, if at all the respondents want to verify the genuinity and veracity of the B.P. Ed. degree obtained by the petitioners from the 9th respondent University on the ground that, whether the 9th respondent University is a recognised University or not, that factor can very well be ascertained by the official respondents and after verifying those factors, the issue raised by the petitioner i.e., the plea for getting promotion to the post of Physical Education Teacher Grade II can be considered on merits.

8.In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

That the respondents, especially the second and respondents are directed to consider the representation made by the petitioners dated 24.09.2011 and accordingly decide the same on merits and in accordance with law, of course after ascertaining the veracity and genuinity of the degree certificates of B.P. Ed. course obtained by these petitioners from the 9th respondent University. The needful, as indicated above, shall be undertaken by the respondents within a period of three months from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sgl

To

1. Secretary to Government
The State of Tamil Nadu
School Education Department
Secretariat, Chennai - 600 009.
2. The Director of School Educational
College Road, Chennai - 600 006.
3. The Director of Elementary Education
College Road, Chennai 600 006.
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Ariyalur District, Ariyalur.
8. The Chief Educational Officer,
Nilgiris District, Nilgiris.
9. The Registrar
Ramakrishna Mission Vivekananda University
SRK Post,
Perianaickenpalayam
Coimbatore 641 020
Coimbatore District.

+1cc to Government Pleader, S.R.No.15847

W.P.No.3689 of 2012

PMK (CO)
RN (12/05/2021)