



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.546 of 2012

and

M.P(MD)No.1 of 2012

- 1.The Secretary to Government,
Personnel and Administrative Reforms and
Administrative Reforms(M) Department,
Government of Tamil Nadu, Chennai-9.
- 2.The Director of Elementary Education,
Chennai-6.
- 3.The District Elementary Education Officer,
Thanjavur.

:Appellants/Respondents

.vs.

K.Asuvathi

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act praying this Court to set aside the order passed by this Court in W.P(MD)No.3804 of 2012, dated 03.04.2012.

PRAYER IN WP(MD)No.3804/2012:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorari to call for the records pertaining to the impugned proceedings of the 3rd respondent in Na.Ka.No.06224/A1/2011, dated 05.03.2012 and quash the same.

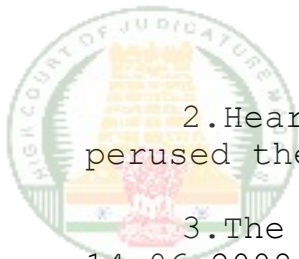
For Appellants :Mrs.S.Srimathy
Special Government Pleader

For Respondent :Mr.D.Rameh Kumar, Advocate
for M/s.S.Deenadhayan, Advocate

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is directed against the order passed by this Court in W.P(MD)No.3804 of 2012, dated 03.04.2012.



2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Petitioner was promoted as Graduate Teacher on 14.06.2008, as per G.O.Ms.No.180, Personnel and Administrative Reforms Department, dated 11.09.2000 on the ground that the degree awarded by the Open University could be accepted for appointment and promotion. This was stalled pursuant to the issuance of G.O.Ms.No.107, dated 18.8.2000, stating that any degree obtained in an Open University without passing 10+2+3 pattern cannot be used for public appointment or for promotion. It is later found that the Writ petitioner had passed 11th standard in pre-university system and then completed her graduation.

4.The Writ Petitioner was promoted as Headmaster of Middle School on 16.09.2011 and posted at Municipal Middle School at Thanjavur, however, the third respondent without noticing the facts that the Petitioner has completed her S.S.L.C and diploma in Teacher Education and B.Lit degree through Open University, which conferred equal status to the Open University graduation, demoted the Petitioner to the level of Headmaster of Primary School. The said order was under challenge in the present Writ Petition. Based on the said G.O.Ms.No.180, Personnel and Administrative Reforms Department, dated 18.8.2020, the learned Single Judge had categorically held that those persons who were promoted already cannot be reverted back and on the said reason, the impugned order was quashed. The challenge is now made by the authorities. The learned Special Government Pleader who appeared for the appellants stated that the Writ Petitioner/Teacher had attained the age of superannuation and received all her retiral benefits as per the order of the learned Single Judge and as such, nothing survives for further adjudication in this matter.

5.Accordingly, the Writ Appeal is dismissed. No costs. Consequently connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

- 1.The Secretary to Government,
Personnel and Administrative Reforms and
Administrative Reforms(M) Department,
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- 2.The Director of Elementary Education,
Chennai-6.
- 3.The District Elementary Education Officer,
Thanjavur.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-6649[F] dated 23/02/2021
+1 CC to M/s.SPL GP (SR-6718[F] dated 23/02/2021)

JUDGMENT MADE IN
W.A(MD)NO.546 OF 2012
and
M.P(MD)No.1 of 2012
22.02.2021

VSN

TK/SAR/05.03.2021/3P/6C