



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.6976 of 2012

and

M.P. (MD)Nos.2 and 3 of 2012

WEB COPY

P.Buvaneswari

... Petitioner

Vs.

1.The Director of Elementary Education,
Chennai-600 006.

2.The District Elementary Educational Officer,
Office of the District Elementary Education,
Theni District.

3.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Education,
Theni District.

4.K.Maheswari

5.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

... Respondents

(R.5 suo motu impleaded vide Court
order dated 16.03.2020 in WP(MD)No.6976/2012)

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned panel dated 29.04.2012 issued by the third respondent as on 01.01.2012 showing the fourth respondent junior as the sole eligible person for promotion to the post of B.T.Assistant (English) and quash the same and consequently direct the respondents 1 to 3 herein to post the petitioner herein in the existing vacancies of B.T.Assistant (English) at Theni Union, Theni District within a reasonable time.

For Petitioner : Mr.K.Appadurai

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R.1 to R.3
: Mr.V.Panneer Selvam
for R.4



ORDER

The Writ Petition is filed seeking for issuance of a writ of Certiorari Mandamus to call for the records relating to the impugned panel dated 29.04.2012 issued by the third respondent as on 01.01.2012 showing the fourth respondent junior as the sole eligible person for promotion to the post of B.T.Assistant (English) and quash the same and consequently direct the respondents 1 to 3 herein to post the petitioner herein in the existing vacancies of B.T.Assistant (English) at Theni Union, Theni District within a reasonable time.

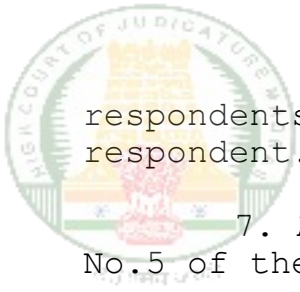
2. The case of the petitioner is that she joined as the Secondary Grade Teacher in the year 1988 and consequently, the petitioner completed M.A. Degree in the year 1997, B.Lit., (Tamil) in the year 2002, B.Ed., in the year 2006 and B.A.(English) in the year 2010. Thereafter the petitioner also completed the qualifying service on 04.10.1990. The petitioner would further aver that she completed her degrees including P.G., in recognized University. While so, the petitioner's name was included in the panel for next promotion post of BT Assistant(English) in the year 2011. As on 01.01.2011, the petitioner was the only sole and eligible person for promotion found in the said promotion panel. While so, the second respondent issued orders on 21.12.2011 promoted the petitioner to the post of B.T.Assistant (English) after counselling, however, subsequently that order was not given effect to. While so, the second respondent issued a panel for promotion to the post of BT Assistant in the year 2012, in which, the fourth respondent's name was published and based on the said order, if the fourth respondent is promoted to the post of BT Assistant, the petitioner is compelled to work under the fourth respondent, who is junior to the petitioner. Challenging the said panel, the present writ petition is filed.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is senior to the fourth respondent and without giving promotion to the petitioner, the promotion cannot be granted in favour of the fourth respondent and hence, he would pray for appropriate orders.

4. The learned Special Government Pleader appearing for the official respondents would submit that the petitioner and the fourth respondent are not qualified to the said post as per G.O.(Ms)No.107, dated 18.08.2009 and they were not given promotion.

5. The learned Counsel appearing for the fourth respondent would also fairly concede the submission made by the learned Special Government Pleader appearing for the official respondents.

6. Heard the learned Counsel appearing for the petitioner, the learned Special Government Pleader appearing for the official respondents.



respondents and the learned Counsel appearing for the fourth respondent.

7. At this point of time, it is relevant to extract paragraph No.5 of the counter affidavit, which is as follows:

WEB COPY

"5. It is submitted that the petitioner joined as a Secondary Grade Teacher on 05.10.1988. After completing her M.A.(History) degree in May 1997, she studied B.Lit., from 2002. She completed B.A., English degree course in November 2009. She completed the said degree under one sitting degree course. The 4th respondent herein is also not eligible in terms of educational qualification for the post of B.T. Assistant(English). Based on which, 4th respondent never to be claimed eligibility for promotion are recognized as per G.O.(Ms) No.107, dated 18.08.2009. **(extracted as such) "**

8. In view of the above, it is clear that the petitioner and the fourth respondent have secured one year degree course, which is not valid in view of G.O.(Ms)No.107, dated 18.08.2009. As per the said Government Order, the persons who have completed the scheme of studies under 10+2+3 pattern alone shall be considered appointment and promotion. Since, the petitioner has not completed the English Degree in the above said method and pattern she is not entitled to get the relief as prayed for. Accordingly, this Writ Petition sans merit and, the same is dismissed. Consequently the connected Miscellaneous Petitions are also dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Director of Elementary Education,

Chennai-600 006.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Elementary Educational Officer,
Office of the District Elementary Education,
Theni District.

3.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Education,
Theni District.

4.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

W.P (MD) No.6976 of 2012

03.02.2021

VB (22.02.2021) 4P 5C