



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.8546 of 2013

and

M.P.(MD)Nos.1 to 4 of 2013

WEB COPY

R.Latha

... Petitioner

vs.

1.The State of Tamil Nadu,
through its Secretary,
School Education Department,
Secretariat, St.George Fort,
Chennai.

2.The Director,
Directorate of Elementary Education,
DPI, Nungambakkam, Chennai.

3.The District Elementary Educational Officer,
Karur District, Karur.

4.The Assistant Elementary Education Officer,
Karur, Karur District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned panel for the year 2013 issued by the third respondent herein as on 01.01.2013 and quash the same and consequently, to direct the respondents to prepare and publish panel by including the name of the petitioner in the panel of eligible Primary School Headmasters for promotion to the post of Middle School Headmaster for the year 2013 as on 01.01.2013 and promote the petitioner as Middle School Headmistress, if the petitioner is satisfied the other requirements for promotion.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.M.Linga Durai

Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned panel issued by the third respondent for the year 2013 and consequently, to direct the respondents to prepare and publish panel by including the name of the petitioner in the panel of eligible Primary School Headmaster for promotion to the post of Middle School Headmaster for the year 2013 and to promote the petitioner as Middle School Headmistress.



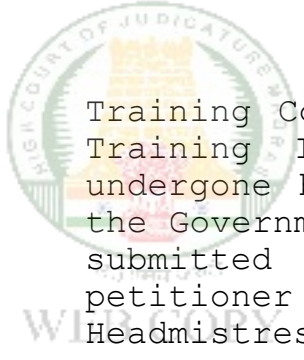
2.Heard Mr.M.Gnanagurunathan, learned Counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

3.The petitioner was initially appointed as a Junior Grade Teacher in the Panchayat Union School, Sengodampalayam, Tiruppur District, on 14.06.1984. The petitioner's probation was declared on 13.06.1986. The petitioner was later transferred to Karur Union on 11.07.1994. The petitioner was upgraded as Secondary Grade Teacher with effect from 01.09.1998. Since it was required for upgradation, the petitioner has completed two years Teacher Training Course conducted by Tamil Nadu Education Research and Training Institute (TET). It is not in dispute that the petitioner is eligible to get posting as Secondary Grade Teacher.

4.The petitioner was given Selection Grade in the post of Secondary Grade Teacher from 01.09.1998. Thereafter, the petitioner was promoted as Primary School Headmistress on 13.09.2004 and was given Selection Grade in the said post on 01.09.2008. The petitioner has come forward with the specific case that she is eligible for promotion to the post of Middle School Headmistress. A panel of eligible Primary School Headmasters for promotion to the post of Middle School Headmasters as on 01.01.2012 was prepared and the petitioner's name was found in Sl.No.7 and the petitioner was not considered for promotion. However, the third respondent has prepared another panel of eligible Primary School Headmasters for promotion to the post of Middle School Headmasters for the year 2013 as on 01.01.2013 and the petitioner could not find her name in the said panel. When the petitioner questioned the non-inclusion of her name in the 2013 promotional panel, it was orally informed that the petitioner had obtained the degree without the qualification of Higher Secondary (Plus-2).

5.It is the case of the petitioner that she had studied SSLC in the year 1981 and completed two years Teacher Training Course conducted by Tamil Nadu Education Research and Training Institute (TET) in the year 1983. The petitioner states that she has acquired degree in B.Lit.(Tamil) in the year 1993 and M.A., in the year 1999, apart from the degree in B.Ed., in the year 2011. In view of the completion of Teacher Training Course in 1983, the petitioner claimed that she is eligible, as she had acquired Teacher Training Course, which was treated as equivalent to Plus-2. Stating that the Teacher Training Course undergone by the petitioner after completing SSCL is equivalent to Higher Secondary (Plus-2) and the Government also passed an order recognising the equivalence, the petitioner comes forward with this Writ Petition challenging the impugned panel for the promotion to the post of Middle School Headmasters for the year 2013 issued by the third respondent.

6.The learned Counsel for the petitioner submitted that the petitioner, after completing SSLC had undergone a two years Teacher



Training Course conducted by the Tamil Nadu Education Research and Training Institute (TET). Since the Teacher Training Course undergone by the petitioner is held to be equivalent to Plus-2 by the Government as well as by this Court in several precedents, it is submitted by the learned Counsel for the petitioner that the petitioner is eligible for promotion to the post of Middle School Headmistress and her name ought to have been included in the panel.

7.The learned Counsel for the petitioner submitted that the Government had also passed an order in G.O.Ms.No.242, dated 18.12.2012 by recognising the equivalence. In other words, it was suggested by the learned Counsel for the petitioner that vide G.O.Ms.No.242, dated 18.12.2012, the Government has recognised the two years Teacher Training Course as equivalent to Plus-2. However, the learned Counsel for the petitioner is unable to satisfy this Court that G.O.Ms.No.242, dated 18.12.2012 recognises the Teacher Training Course as equivalent to Plus-2.

8.Be that as it may, the learned Counsel for the petitioner relied upon a few judgments of this Court to support his contention that this Court has accepted the two years Teacher Training Course as equivalent to Plus-2. In **W.P.Nos.24495 to 24497 of 2012**, in the case of **K.Chandrasekaran and others vs the Secretary to Government of Tamil Nadu and others**, the learned Single Judge of this Court has held that the Teacher Training Course should be taken equivalent to Higher Secondary Course (Plus-2). Paragraph Nos.3 and 4 of the said judgment are relevant and the same is extracted herein below:

"3.According to the petitioners, they did not study Higher Secondary Course (+2). The Teacher Training Course which they were undergone for two years after completing SSLC should be construed to be equivalent to Higher Secondary Course (+2). Therefore, according to the petitioners, they are also eligible for promotion as B.T.Assistants based on their respective U.G., as well as B.Ed degree.

4.The learned counsel for the petitioners would bring to my notice the common order passed in a batch of writ petition by the Hon'ble Ms.Justice K.Suguna in W.P.Nos.25432 of 2011 and etc., batch cases dated 02.07.2012, wherein, the learned Judge after having considered elaborately all the above aspects, including the instruction impugned in these writ petitions, has held that the Teacher Training Course should be construed to be equivalent to Higher Secondary Course (+2) and therefore, though the petitioners therein had not undergone Higher Secondary Course(+2), they will be entitled for promotion as B.T.Assistants, since the U.G. and B.Ed. degrees obtained by them after completing the Teacher Training Course is sufficient qualification for such promotion. In my considered opinion, the petitioners who stand in the



similar footing are also entitled for the same relief."

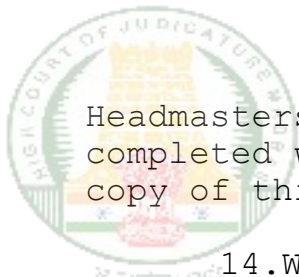
9.The learned Counsel for the petitioner also relied upon a judgment of the Honourable Division Bench of this Court in the case of **The Government of Tamil Nadu vs C.Umaheshwari**, in **W.A.No.3259 of 2019**. The issue that arose before the Honourable Division Bench of this Court was whether the qualification of the Writ Petitioner therein having a Diploma in Teacher Education can be treated on par with Plus-2. The Writ Petition filed by the Teacher therein was allowed by the learned Single Judge of this Court by holding that the Diploma in Teacher Education is equivalent to Plus-2. The said judgment was affirmed by the Honourable Division Bench in the above judgment. The Honourable Division Bench in the said judgment has held that the learned Single Judge has rightly considered that the two years course of Diploma in Teacher Education undergone by the respondent therein is equivalent to Higher Secondary Course, as it was decided by another Honourable Division Bench of this Court in the case of **E.Ganesan vs Government of Tami Nadu** in **W.A.No.3259 of 2019**.

10.This Court, in view of the binding precedents, is unable to resist the contention of the learned Counsel for the petitioner.

11.The learned Government Advocate, however, submitted that the Honourable Division Bench of this Court in a recent judgment in **S.Deenadhayalan vs State of Tamil Nadu** in **W.A.No.519 of 2020**, dated 16.04.2021, has not approved the Diploma in Teacher Training as equivalent to 10-+2 pattern.

12.It is to be noted that the facts of the case dealt with by the Honourable Division Bench in the above case are entirely different and the Writ Petitioners therein had only a qualification of 8th standard to join the service of the respondents as subordinate staff after undergoing the graduation course straightaway without even studying SSLC and Plus-2. In order to maintain consistency in judicial verdicts, this Court has to follow the judgment of Honourable Division Bench of this Court, as no new circumstances or distinguishing factor is brought to the notice of this Court.

13.As a result, the impugned panel for promotion for the year 2013 by the third respondent is quashed and the respondents are directed to prepare the panel by including the name of the petitioner in the panel of eligible Primary School Headmasters for promotion to the post of Middle School Headmasters for the year 2013. It is stated that the petitioner is working as Headmistress of Primary School and that her juniors were promoted to the post of Middle School Headmasters based on the panel prepared in the year 2012. Hence, the respondents are also directed to consider the promotion of the petitioner with effect from the date on which, the petitioner's juniors were promoted to the post of Middle School



Headmasters as per 2012 panel. The entire exercise shall be completed within a period of ten weeks from the date of receipt of a copy of this order.

14. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

cmr

To

1. The Secretary,
The State of Tamil Nadu,
School Education Department,
Secretariat, St. George Fort,
Chennai.
2. The Director,
Directorate of Elementary Education,
DPI, Nungambakkam, Chennai.
3. The District Elementary Educational Officer,
Karur District, Karur.
4. The Assistant Elementary Education Officer,
Karur, Karur District.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-26675[F] dated 18/08/2021)

+1 CC to M/s.SPL GP (SR-26907[F] dated 23/08/2021)

W.P. (MD)No.8546 of 2013
18.08.2021

Ps (CO)
KB(27.08.2021) 5P 7C