



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.12838 of 2022

K.Mahadevaiah

...Petitioner

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. District Elementary Education Officer,
Erode District,
Erode.
3. The Assistant Elementary Educational Officer,
Thalavadi Panchayat Union,
Thalavadi, Erode District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, to direct the second respondent to treat the certificate of B.A., degree in History, Education and English (Triple Major) as a equivalent to B.A. English certificate and consequently direct the second respondent to grant promotion and increment benefits for 2016-2017 year and pass orders.

For Petitioner : Mr. V. Balamurugan

For Respondents : Mr. T. Arun Kumar,
Additional Government Pleader

ORDER

This writ petition is filed for the issuance of a writ of mandamus to direct the second respondent to treat the certificate of B.A., degree in History, Education and English (Triple Major) as a equivalent to B.A. English certificate and



consequently direct the second respondent to grant promotion and increment benefits for 2016-2017 year.

2. According to the petitioner, on 07.02.2006, he was appointed as Junior Middle School Teacher at Union Panchayat Middle School at Thalavadi on temporary basis and his service was regularized on 01.06.2006 and his appointment was made permanent. The petitioner has completed B.A. (English) course during the period 2008-2012 at Open University, Mysore, Karnataka. The respondent department has sent a list of teachers on seniority for promotion to the higher secondary schools, at the time of valuation of certificate of the petitioner's decree, it is found that the said decree certificate B.A. English Degree course undertaken at Open University, Mysore, Karnataka is not equivalent to the B.A. English. Therefore, his name was not considered in the promotion post. Hence, he has filed the instant writ petition before this court for the aforesaid prayer.

3. The learned Government Pleader appearing for the respondents objected that the respondent is not the competent authority to grant an equivalent certificate to the petitioner's decree acquired in B.A. English in the Open University, Mysore, Karnataka. Therefore, the said prayer cannot be considered and if the petitioner is aggrieved, he has to seek his remedy before the appropriate forum for granting equivalent certificate.

4. Accepting the said contention of the learned Government Pleader, for the respondents, that the respondent department is not the competent authority to issue Government Order regularizing the said decree or approve the course B.A. (English) obtained under the Karnataka Open University as equivalent to B.A. English Certificate. Therefore, this court is not inclined to entertain the said prayer and consequently the writ petition stands dismissed with liberty to the petitioner, if aggrieved to approach the appropriate authority concerned seeking for equivalent certificate.

5. With the above observations, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrn



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. District Elementary Education Officer,
Erode District, Erode.

3. The Assistant Elementary Educational Officer,
Thalavadi Panchayat Union,
Thalavadi, Erode District.

+1cc to M/s.V.Balamurugan, Advocate, S.R.No.32482

+1cc to the Government Pleader, High Court, Madras S.R.No.33621

W.P. No.12838 of 2022

SJ(CO)
RGA(28/06/2022)