



WEB COPY



WP No.34691 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.34691 of 2016

And

WMP Nos.29881 and 29882 of 2016

P.Punitha

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Petitioner

VS.

1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.

2.The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.

3.The Assistant Elementary Educational Officer,
Burgur Union,
Krishnagiri District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.4541/A1/2016 dated 23.09.2016 and the



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subsequent proceedings issued by the third respondent in Na.Ka.No.1605/A1/2015 dated 23.09.2016 and to quash the same and consequently direct the respondents to restore the petitioner to the post of Middle School Headmaster with all consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Ms.S.Mythreye Chandru,
Special Government Pleader.

ORDER

The order reverting the writ petitioner from Middle School Headmistress to Primary School Headmistress in proceedings dated 23.09.2016, is under challenge in the present writ petition.

2. The petitioner was appointed as Secondary Grade Teacher on 07.07.1988 and thereafter promoted to the post of Primary School Headmistress on 07.09.2004. The petitioner states that she acquired the qualification of M.A. (Tamil) through Distance Education Mode from Annamalai University in December, 2006. Thereafter, she studied B.Lit., in



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Correspondence Course from Annamalai University in May 2008. The petitioner further states that she became eligible for promotion to the post of B.T. Assistant as well as to the post of Middle School Headmistress as per the Rules.

3. The petitioner initially relinquished her promotion to the post of Middle School Headmistress and subsequently promoted to the post of B.T. Assistant (Tamil) on 23.12.2011.

4. The respondents issued subsequently an order of reversion reverting the writ petitioner from the post of Middle School Headmistress to the post of Primary School Headmistress on the ground that the petitioner did not possess the requisite educational qualification for promotion to the post of Middle School Headmistress.

5. The learned Special Government Pleader, appearing on behalf of the respondents, made a submission that after granting promotion to the post of Middle School Headmistress, the educational qualifications



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were verified by the Competent Authorities and it was found that the petitioner did not possess the educational qualification in the Regular Pattern of Education.

6. The petitioner studied one year B.Lit., Course, which is invalid and further she studied the Post Graduate Degree through Distance Education Mode in Annamalai University. That was also not considered as a valid qualification for the purpose of promotion to the post of Middle School Headmistress.

7. More specifically, in the present case, the petitioner studied one year B.Lit., Course, which was not equivalent to the two year B.Lit., Course, which is the requisite qualification for promotion to the post of Middle School Headmistress. Since the petitioner did not possess the requisite educational qualification as per the Rules in force, the respondents have issued the order of reversion.



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8. This Court is of the considered opinion that for grant of promotion, the teacher must possess all the requisite qualifications as per the Rules in force. The degrees and educational qualifications possessed must be through Regular Pattern of Education and the invalid degree even if it is obtained cannot be considered for the purpose of appointment or promotion.

9. In the present case, the petitioner acquired B.Lit., qualification in one year, which is not a valid degree and thus, the respondents have taken action and consequently reverted the petitioner from the post of Middle School Headmistress to the post of Primary School Headmistress and the reversion was made in view of the fact that the petitioner did not possess the requisite educational qualifications as per the Rules in force.

10. This being the factum established, this Court do not find any infirmity in respect of the order impugned passed by the respondents.

11. Accordingly, the writ petition stands dismissed. However,



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there shall be no order as to costs. Consequently, the connected
miscellaneous petitions are also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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S.M.SUBRAMANIAM, J.



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