



W.P.No.4585 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4585 of 2017

Sathyanathan

...Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms (H1),
Secretariat, Fort St. George, Madras – 9.

2.The Deputy Secretary.
Personnel and Administrative Reforms (H1),
Secretariat, Fort St. George, Madras – 9.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to include the petitioners name in the panel for “Section Officer” in the vacancy arising out of the year 2013-14.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mrs.S.Mythreye Chandru
Special Government Pleader



W.P.No.4585 of 2017

ORDER

WEB COPY

The relief sought for in the present writ petition is to direct the respondents to include the name of the petitioner in the panel for promotion to the post of Section Officer in the year 2013-14.

2.The petitioner failed in 12th standard in April 1982. Thereafter, the petitioner directly passed Degree in Annamalai University through Open University system in the year 1996. The petitioner passed other departmental tests and his name was considered for promotion to the post of Section Officer in the panel year 2012-13. However, he was not promoted on the ground that the petitioner did not possess the requisite educational qualification in the regular pattern of education as per the UGC Regulations i.e., 10 +2 +3. Pursuant to the judgment of the Hon'ble Supreme Court of India in Annamalai University's case, the Government issued order in G.O.Ms.No.107, P & AR Department, dated 18.08.2009, wherein, the Government had implemented the judgment of the Hon'ble Supreme Court stating that, the employees who have not studied through regular pattern of education are not eligible for public appointment/promotion. The Open University's degree obtained without



W.P.No.4585 of 2017

undergoing the regular pattern of education was held invalid by the Supreme Court of India and on that ground the promotion of the petitioner was deferred.

The petitioner subsequently retired from service on 31.10.2018 on attaining the age of superannuation. Even as per the petitioner, he failed in 12th standard in April 1982 and without completing the 12th Standard, he possessed the degree qualification during the year 1996 through Open University in Annamalai University and the very degree secured through Open University Scheme from Annamalai University had already been declared as invalid by the Apex Court. Therefore, this Court do not find any infirmity in respect of the action of the respondents in not considering the name of the writ petitioner for promotion to the post of Section Officer.

3. Accordingly, this writ petition stands dismissed. No Costs.

25.11.2022

Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No
SSR



WEB COPY



W.P.No.4585 of 2017

S.M.SUBRAMANIAM, J.

SSR

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Personnel and Administrative Reforms (H1),
Secretariat, Fort St. George, Madras – 9.
- 2.The Deputy Secretary.
Personnel and Administrative Reforms (H1),
Secretariat, Fort St. George, Madras – 9.

W.P.No.4585 of 2017

25.11.2022