



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.6417 of 2019
and W.M.P.(MD) No.5128 of 2019

Pandi Selvi ... Petitioner

-vs-

1.The Director,
Social Welfare and Noon Meal Scheme,
Saidapet, Chennai.

2.The District Collector,
Noon Meal Scheme, Ramanathapuram.

3.The Commissioner,
Kamuthi Panchayath Union,
Ramanathapuram District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 28.12.2018 in proceedings Na.Ka.W1/46811/2018, quash the same, as the same is contrary to G.O.Ms.No.111, Tamil Development and Information dated 03.06.2015 and consequentially direct the 2nd respondent to promote the petitioner from the post of Noon-Meal Cook to the post of Noon-Meal Organizer.

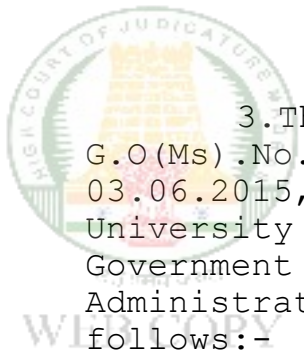
For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

O R D E R

The Writ on hand is filed to quash the order of rejection dated 28.12.2018 rejecting the claim of the writ petitioner for promotion to the post of Noon-Meal Organizer.

2.The petitioner was appointed as Noon-Meal Cook under M.G.R.Noon-Meal Scheme in proceeding dated 26.06.2007. The next avenue for promotion is Noon-Meal Organizer.



3.The learned counsel for the petitioner states that as per G.O(Ms).No.111, Tamil Development and Information Department, dated 03.06.2015, the Pre-foundation Course conducted by the Tamil University was equated with the SSLC examination. However, the Government issued orders in G.O.(Ms).No.144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017 stating as follows:-

"5.In the meantime, the Equivalence Committee in its recommendations in the letter eighth and ninth read above has also resolved that the Pre-foundation Course and the Foundation / Bridge Courses awarded by various Universities cannot be recognized as equivalent to SSLC and Higher Secondary Course (+2). The recommendations of the Equivalence committee are in consonance with the clarification issued in the letter seventh read above, hence, the Pre-foundation Course and the Foundation / Bridge Courses awarded by various Universities cannot be recognized as equivalent to SSLC and Higher Secondary Course (+2).

6.As the recommendations of the Equivalence Committee confirms the clarification that the Pre-foundation Course and Foundation Course offered by various Universities in the State are not equivalent to SSLC and Higher Secondary Course (+2) respectively. Government emphasise to follow the clarification issued in the Government letter seventh read above scrupulously."

4.In view of the decision taken by the Government in the matter of grant of equivalence of educational qualification, the claim of the writ petitioner was rejected.

5.On a perusal of the Government Order issued by the Tamil Development and Information Department, dated 03.06.2015, this Court is of an opinion that it is not a declaration of equivalence granted by the Government, it is only a statement made by the University by comparing the Pre-foundation Course and SSLC Course. The equivalence was rejected by undertaking the process through a Committee by the Government in accordance with the rules in force and G.O.(Ms).No.114, Personnel and Administrative Reforms (M) Department, dated 20.11.2017 was passed which alone is to be considered for the purpose of grant of benefit of equivalence. As per the Government Order in G.O.(Ms).No.144, the Pre-foundation Course or Foundation Course are not equivalent to SSLC or Higher Secondary Course respectively. Thus, the reasons furnished for the purpose of rejecting the claim of the petitioner are in consonance with the Government Order passed in G.O.(Ms).No.144, dated 20.11.2017.



6.However, the learned counsel for the petitioner brought to the notice of this Court that subsequently, the writ petitioner has passed SSLC and became eligible for promotion to the post of Noon-Meal Organizer. If so, the case of the petitioner is to be considered in accordance with the rules and the learned Special Government Pleader made a submission that the genuinity of the certificate is also to be verified. It is for the authorities to verify the certificate and accordingly consider the writ petitioner for promotion along with all other eligible persons, who all are aspiring for promotion and by following the procedures as contemplated.

7.With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Director,
Social Welfare and Noon Meal Scheme,
Saidapet, Chennai.

2.The District Collector,
Noon Meal Scheme,
Ramanathapuram.

3.The Commissioner,
Kamuthi Panchayath Union,
Ramanathapuram District.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-7903[F] dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-8058[F] dated 23/02/2022)

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