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W.P.No.21291 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21291 of 2012 and
MP.No.1 of 2012

J.Sivakumar

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by its Secretary,
School Education Department,
Fort St.George,
Chennai 600 009

2.Director of Elementary Education,
College Road,
Chennai 600 006

3.District Elementary Educational Officer,
Dharmapuri District

4.Assistant Elementary Educational Officer(AEEO),
Karimangalam Unit, Dharmapuri District ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner for promotion as BT Assistant – English (additional degree) based on the panel dated 01.01.2012 of the fourth respondent, by following the proceedings of the second respondent dated 18.12.2008.

For Petitioner : Mr.R.Saravanakumar



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For Respondents : Mr.T.M.Rajangam,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to consider the petitioner for promotion as BT Assistant – English (additional degree) based on the panel dated 01.01.2012 of the fourth respondent, by following the proceedings of the second respondent dated 18.12.2008.

2. The petitioner was appointed as Secondary Grade Teacher. At the time of appointment, he had passed higher secondary. Thereafter, he studied B.A.Literature and completed the same in May 2000. Further, he completed B.Ed in December 2009. It is seen that the petitioner is possessing double degree through one sitting course. Such a degree obtained by him is not a valid degree for the purpose of granting promotion to the post of BT Assistant. Double degree obtained by one sitting cannot be a valid qualification for the purpose of appointing the teaching faculty in schools. This court repeatedly held that teaching



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faculties are to be filled only through the candidates, who studied the degree or postgraduate etc., in a regular scheme by attending the regular classes in colleges. Therefore, the person who studied in regular courses in accordance with the UGC regulation pattern as well as in a regular college, alone are to be considered for appointment in teaching faculty. Therefore, the petitioner is not entitled for promotion to the post of BT assistant. As such, the writ petition is devoid of merits and liable to be dismissed.

3. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary,
The Government of Tamilnadu,
School Education Department,
Fort St. George,
Chennai 600 009
2. Director of Elementary Education,
College Road,
Chennai 600 006
3. District Elementary Educational Officer,
Dharmapuri District
4. Assistant Elementary Educational Officer(AEEO),
Karimangalam Unit, Dharmapuri District
5. The Government Advocate,
High Court, Madras.

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