



WEB COPY



W.P.No.7815 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7815 of 2021

R.Swaminathan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary,
School Education Department,
Secretariat, St. George Fort,
Chennai – 600 009.
2. The Director of School Education,
DPI College Road,
Chennai – 600 006.
3. The District Education Officer,
Salem District, Salem.
4. The Manager,
R.C.Schools,
The Salem Diocese Society,
Mary Palace,
No.63, Thammannan Road,
Salem – 600 009.
5. The Correspondent,
The Little Flower Higher Secondary School,
Salem – 636 001.

... Respondents



W.P.No.7815 of 2021

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertains to impugned order dated 24.12.2020 in proceedings in O.M.No.7339/A2/2020 on the file of the 3rd respondent quash the same, consequently direct the third respondent to recommend the petitioner to the post of Physical Director Grade – II to the 2nd respondent on the basis of 4th respondent's promotion letter dated 29.06.2020.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.P.Ganesan
Government Advocate [R1 to R3]

Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers [R4 and R5]

ORDER

This writ petition is filed to quash the impugned order passed by the third respondent dated 24.12.2020 in O.M.No.7339/A2/2020 and consequently direct the third respondent to recommend the petitioner to the post of Physical Director Grade – II to the 2nd respondent on the basis of 4th respondent's promotion letter dated 29.06.2020.



W.P.No.7815 of 2021

WEB COPY

2. The petitioner herein was appointed in the fifth respondent school in the post of Physical Education Teacher and subsequently, he was promoted to the post of Physical Education Director, Grade II on 29.06.2020. The proposal sent by the fifth respondent school for approval of the promotion of the petitioner was rejected through the impugned order dated 24.12.2020 by the third respondent stating that the petitioner did not possess the qualification in the education pattern of 10+2+3+2. The fifth respondent school, thereafter had cancelled the petitioner's promotion and had appointed one I.Robert as Physical Education Director, Grade II and had also sent a proposal to the third respondent seeking for approval of his promotion.

3. Admittedly, the petitioner herein had completed his SSLC, Higher Secondary Education and certificate course in Physical Education from Karnataka Secondary Education Examination Board, Bangalore, which has been approved by the Government of Tamil Nadu. On the strength of these qualifications, he was appointed as a Physical Education Teacher in the 5th respondent School. It is also admitted that



W.P.No.7815 of 2021

the petitioner had acquired his Master's Degree in the year 2000 and on the strength of this Master's Degree, he had completed his Under Graduation thereafter in Bachelor of physical Education in the year 2001, which is an one year course. Both his Master's Degree and Bachelor's Degree in Physical Education were acquired through Distant Education Mode from Annamalai University.

4. Rule 19 of the General Rules in Part-II of the Tamil Nadu State and Subordinate Service Rules prescribes the pattern of the educational qualification to be in 10+2+3+2 or 3 from any regularized University or institution as a qualification for appointment. The M.A., Degree obtained by the petitioner through Distant Education Mode with a basic Under Graduation Degree is not a valid degree, which has been settled through various decisions of this Court. Apart from his 10th Standard and +2 in regular basis, he had not pursued his further education in the proper mode of 10+2+3+2 or 3.

5. Thus, in the absence of a valid essential qualification for holding the post of Physical Education Director, the proceedings of the



W.P.No.7815 of 2021

WEB COPY

third respondent cannot be found fault with. Consequently, the cancellation of the promotion of the petitioner by the fifth respondent school cannot be found fault with.

6. In the result, this Court has no reason to interfere with the impugned order. Accordingly, this writ petition stands dismissed. No costs.

31.10.2023

Index:Yes

Speaking order

Neutral Citation: Yes

mp

To

1. The Secretary,
School Education Department,
Secretariat, St. George Fort,
Chennai – 600 009.
2. The Director of School Education,
DPI College Road,
Chennai – 600 006.
3. The District Education Officer,
Salem District, Salem.



WEB COPY



W.P.No.7815 of 2021

M.S.RAMESH,J.

mp/hvk

W.P.No.7815 of 2021

31.10.2023