



W.P.No.32411 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.32411 of 2016
and WMP Nos.28112 and 28143 of 2016

P.Jayalakshmi

... Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director of Elementary Education (Admn.),
Directorate of Elementary Education,
DPI Campus, College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
Vellore District, Vellore.
4. The Additional Assistant Elementary Educational Officer,
K.V.Kuppam Union, Vellore District.
5. P.Tharani

... Respondents

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 relating to the impugned proceedings issued by the 3rd respondent in



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Na.Ka.No.2300/Aa5/2016 dated 06.08.2016 and to quash the same and consequently directing the respondents 1 to 4 promote the petitioner to the post of BT Assistant (Science) in operation of the panel for the year 2016 in the light of certificate issued by University of Madras dated 29.07.2016 regarding equivalence of B.Sc degree obtained by the petitioner with all consequentil benefits.

For Petitioner : Mr.Sathia Chandran

For Respondents : Mr.K.H.Ravikumar
Government Advocate
For R.1 to R.4
Mr.P.Rajendran
For R.5

ORDER

With a qualification in B.Sc (Science) in three major subjects of Maths, Physics and Computer Science, the petitioner was selected by Teachers Recruitment Board for the post of Secondary Grade Teacher on 16.07.2009. On 17.11.2014 the B.Sc degree awarded by Sri Venkateswara University, Tiruppati, Andhra Pradesh was equated to the B.Sc degree obtained from the Universities in Tamil Nadu. Originally, the petitioner's candidature was included in the



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promotion panel on 01.01.2015 and 01.01.2016. The panel was not acted upon for want of vacancy. On the representation of the fifth respondent herein, who is a junior to the petitioner, that the qualification obtained by the petitioner in B,Sc degree with triple major subjects is not a valid qualification, the fifth respondent came to be promoted to the post of B.T.Assistant (Science) on 06.08.2016.

2. In an appeal made to the second respondent herein, it was stated that though the University of Madras in the letter dated 29.07.2016 has held that the B.Sc degree obtained by the petitioner with triple major subjects from Sri Venkateshwara University is equivalent, there is no Government Order for promoting a Secondary Grade Teacher with triple major subjects. The petitioner has now challenges the promotion of the fifth respondent herein as B.T.Assistant (Science).

3. Learned counsel for the petitioner had placed reliance on the proceedings of the second respondent dated 05.08.016 and submitted that though the second respondent had held that the petitioner's degree is valid in view of equivalence letter given by the University of Madras, the rejection on the ground



that there is no government order for promoting the Secondary Grade Teacher with triple major subjects in B.Sc degree is baseless. Learned counsel further relied upon the earlier order passed by this Court in WP No.11691 of 2017 dated 19.05.2017, in which it was observed that there is no prohibition in the rules to deny promotion to a Secondary Grade Teacher who possess three major subjects in the degree. This apart, learned counsel also placed reliance on the promotion granted to another Secondary Grade Teacher in the case of G.C.Geetha who also possessed a degree certificate with three major subjects and accordingly, submitted that denial of promotion to the petitioner's case would amount to discrimination.

4. Further, the learned counsel for the petitioner placed reliance on the proceedings of the first respondent in Na.Ka.No.36679/D3/2008 dated 18.11.2008, which refers to the guidelines for seniority in the promotion panel, in which, it is stated that the teachers, who have obtained a degree with double major or triple major with B.Ed degree are eligible for inclusion of their names in the promotion panel.



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5. Per contra, learned Government Advocate submits that the equivalence certificate issued by the University of madras is not a valid one and the same requires to be done only by the Equivalence Committee to be constituted by the Government. The same submission was also adopted by the learned counsel for the fifth respondent.

6. As rightly pointed out by the learned counsel for the petitioner, the first respondent in his guidelines in Na.Ka.No.36679/D3/2008 dated 18.11.2008 has clearly stated that the teachers possessing a degree with double major or triple major, together with B.Ed, would be eligible for inclusion of their names in the promotion panel for the post of B.T.Assistant. Likewise, when the petitioner herein had earlier approached this Court, seeking for inclusion of her name in the earlier panel in the year 2017 for the post of B.T.Assistant (Science), this Court by order dated 19.05.2017 in WP No.11691 of 2017 has held as follows:-

“ 3. The petitioner is a triple major degree holder. According to the petitioner, the 3rd respondent has not considered her name for promotion, on the statement that there is no rule to promote those who have passed triple major degree. On the other hand, there is no prohibition



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in the rules to deny promotion to them.

4. *On perusal of the typed set of papers, it is seen that the petitioner had already filed W.P.No.32411 of 2016 before this Court, challenging the proceedings of the District Elementary Educational Officer, Vellore District, dated 06.08.2016 and to direct the respondents 1 to 4 therein, to promote the petitioner to the post of B.T.Assistant (Science) in operation of the panel for the year 2016 and the same is pending.*

5. *Considering the facts and circumstances of the case, this Court directs the 3rd respondent to permit the petitioner to participate in the counselling scheduled to be held on 22.05.2017, subject to the result of the writ petition in WP No.32411 of 2016."*

7. Since the respondents had not complied with the aforesaid direction, a Contempt Petition No.929 of 2017 also came to be filed. Pending Contempt Petition, the third respondent herein, in his Proceedings in Na.Ka.No.1184/A5/2017 dated 09.11.2017 had granted promotion to the petitioner to the post of B.T.Assistant (Science), subject to the outcome of the



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present writ petition.

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8. It is also not in dispute that in the case of G.C.Geetha who was promoted to the post of B.T.Assistant on 06.08.2016, she also possess B.Sc degree with triple major subjects. Such a factual position has been ratified by the respondents themselves in their reply dated 16.05.2017 to the query raised by the petitioner under Right to Information Act.

9. In the light of the proceedings of the first respondent dated 18.11.2008, wherein, it was held that possession of the degree with three major subjects will not be a disqualification for promotion to the post of B.T.Assistant, as well as the order of this Court passed in WP No.11691 of 2017 dated 19.05.2017, wherein it was observed that there is no prohibition in the rules to deny promotion to the teachers who hold three triple major subjects and by taking into account the similarly placed teachers has also been promoted to the post of B.T.Assistants (Science), this Court is of the view that the petitioner would be entitled for promotion on par with her immediate juniors viz., the fifth respondent herein.



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10. In case, the first respondent, inspite of his proceedings dated 18.11.2008, is of the view that the petitioner's B.Sc degree (Science) with triple major requires equivalence certificate from the Equivalence Committee, it is open to them to seek for one. However, such decision cannot deprive the petitioner of her promotion from the date on which her junior was promoted. Likewise, the fifth respondent's appointment order also need not be interfered with, if the petitioner is notionally promoted on par with the fifth respondent.

11. In the light of the above findings, no interference is required to the impugned order of promotion of the fifth respondent herein. The respondents 1 and 2 herein shall pass appropriate orders of promotion promoting the petitioner to the post of B.T.Assistant (Science), with effect from 06.08.2016, together with all service and monetary benefits. Such orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.

12. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are allowed.



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Speaking/Non-speaking order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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To

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DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director of Elementary Education (Admn.),
Directorate of Elementary Education,
DPI Campus, College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
Vellore District, Vellore.
4. The Additional Assistant Elementary Educational Officer,
K.V.Kuppam Union, Vellore District.



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M.S.RAMESH,J.,

SR

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