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W.P.No.29084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29084 of 2023
and WMP No.28675 of 2023

M.Lakshmi

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat, Chennai-600 009.
2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
5. The District Educational Officer,
Krishnagiri Education District,
Krishnagiri

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 5th respondent in Na.Ka.No.1575/Aa3/2021 dated 06.09.2022 and to quash the same and consequently direct the respondents to sanction Selection Grade to the petitioner in the post of B.T.Assistant (Tamil) with effect from 01.08.2022.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.N.Bindran
AGP

ORDER

The petitioner was selected to the post of Secondary Grade Teacher in the Government Higher Secondary School, Krishnagiri District. Her services were regularised from the date of appointment. Thereafter, she was promoted to the post of B.T. Assistant on 31.07.2012 and accordingly, she joined in the promoted post as B.T.Assistant on 01.08.20212. The petitioner had completed her SSLC Examination in Karnataka Secondary Education Examination Board in the year 1979. On completion of ten years of service in the post of B.T.Assistant, when she had sought for sanction of Selection Grade pay scale in the post of B.T.Assistant, her request was rejected through an impugned order dated 06.09.2022 stating that her qualification in S.S.L.C cannot be considered



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to be equivalent to the S.S.L.C. Certificate issued by the Tamil Nadu State Board Examination. The said order is put under challenge in the present writ petition.

2. Mr.S.Nedunchezhiyan, learned counsel for the petitioner submits that originally when the petitioner had entered the services of the Education Department in the year 1977, the genuineness of all the educational certificates were verified by the Director of Teacher Education and accordingly her appointment was approved. In view of the same, the reasons now assigned for rejecting the petitioner's request for grant of Selection Grade for the post of B.T.Assistant cannot be sustained.

3. Per contra, learned Additional Government Pleader placed reliance on the averments in the counter affidavit and stated that the petitioner had completed her S.S.L.C from the State of Karnataka and since she had secured only 32 marks in the subject of Social Studies, her certificate cannot be considered to be equivalent to that of S.S.L.C. Certificate issued by Education Department, State of Tamil Nadu in accordance with G.O.M.No.38, Personnel and Administrative Reforms (Personnel-B) Department dated 19.01.1987 as



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well as G.O.Ms.No.534, Personnel and Administrative Reforms (Per-K)

Department dated 13.10.1988. In this background, the learned Additional Government Pleader submits that there is no infirmity in the reasonings in the impugned order.

4. As pointed out by the learned counsel for the petitioner, when the petitioner was originally selected to the post of Secondary Grade Teacher, her educational testimonials were evaluated by the Director of Teacher Education and found to be equivalent to the qualification prescribed for the appointment to the post of Secondary Grade Teacher. In the proceedings of the Director of Teacher Education dated 25.09.1997, such evaluation is certified and list of testimonials that were evaluated by the Director are as follows:

1. Cumulative Record Book NO.77833
2. SSLC Mark Statement Karnataka State No.059847
3. I Year TCH (English Version) 23106
4. II Year TCH (Fail Certificate) 7926
5. Study Certificate
6. Transfer Certificate – 2/87-88
7. I Year TCH (Kannada version)
8. II Year TCH
9. TCH – 7926



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5. The petitioner's S.S.L.C mark sheet issued by State of Karnataka was also evaluated by the Director of Teacher Education and having convinced themselves that the certificate is equivalent for the purpose of the other further degrees obtained by the petitioner, which are the essential qualifications for appointment to the post of Secondary Grade Teacher, way back in the year 1977 itself, the respondents may not be justified now to rake up this issue after 25 years. Even otherwise, when the concerned and competent authority had already certified the educational testimonials of the petitioner to be true and genuine, the fifth respondent herein is estopped from raising such objection and overruling the proceedings of the Director of Teacher Education dated 25.09.1997.

6. It is also brought to the notice of this Court that the petitioner is due to retire on 31.10.2023. At the verge of her retirement, it would be appropriate for the respondents to grant her the relief sought for and make her retire peacefully. It would be pertinent to point out that the entitlement of the petitioner to seek for sanction of Selection Grade pay scale in the post of B.T.Assistant is not under dispute, since the petitioner has completed ten years of service.



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7. In the light of the above findings, the impugned order dated 06.09.2022 issued by the 5th respondent is hereby quashed and consequently there shall be a direction to the respondents 4 and 5 herein to pass appropriate orders, sanctioning Selection Grade pay scale to the petitioner for the post of B.T. Assistant with effect from the date of completion of ten years of service in the said post and release all the arrears of the difference of pay. Since the petitioner is due to retire on 31.10.2023, such order shall be passed atleast within a week's time.

8. With the above direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

Index: Yes/No
Speaking order/Non-speaking order
sr

Note: Issue Order copy today.



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To

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Rep by its Principal Secretary to Government,
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M.S.RAMESH,J.,

SR

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