



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.25688 of 2018
and
W.M.P.No.29873 of 2018

P. R. Palanivel

.. Petitioner

Vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
Education Department,
Secretariat, St. Fort George,
Chennai – 600 009.
- 2.The Director of School Education,
D.P.I Valakam, College Road,
Nungambakkam,
Chennai – 600 034.
- 3.The Chief Education Officer,
Mohanoor Road, South School Valakam,
Namakkal.
- 4.The District Collector Officer,
Thiruchengode Government Boys School Valakam,
Sangagiri Road,
Tiruchengode.

.. Respondents



Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's representation dated 28.03.2014 seeking promotion for the post of B.T. Assistant (Science).

For Petitioner	.. Mr. R. Karunakaran
For Respondents	.. Mr. R. Neethi Perumal, Government Advocate.

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the 4th respondent, the District Education Officer, Thiruchengode Government Boys School Valakam, Tiruchengode to dispose of a representation given by the petitioner dated 28.03.2014 seeking promotion to the post of B.T. Assistant (Science).

2. The petitioner had qualified himself in B.Lit., Tamil between May 1995 and May 1998 in Annamalai University. He then studied M.A. Tamil between May 1999 and May 2000 in Annamalai University. He then joined B.Ed in January 2009 and completed it in December 2010 in Indira Gandhi National University. While studying B.Ed, in June 2010 he joined B.Sc. Zoology and completed it in July 2013 in Periyar University. He



applied for the post of BT Assistant (Science). This was rejected or not considered by the respondents since, between June 2010 and December 2010 he was studying both B.Ed., in Indira Gandhi National University and B.Sc., Zoology in Periyar University. Since the period overlapped, the learned Government Advocate for the respondents had raised the contention that the petitioner cannot be qualified to be appointed as BT Assistant.

3. The learned counsel for the petitioner placed reliance on the proceedings of the Joint Director, Education Department dated 08.12.2009 in which, it had been stated that if a teacher who had completed B.Lit., in Tamil does through correspondence education both B.Sc., Maths and B.Ed., he would be eligible to be considered as BT Assistant Mathematics. The petitioner had completed his B.Sc., Zoology. The course which he had completed namely, B.Ed., from January 2009 to December 2010 at Indira Gandhi National University was through correspondence. He then joined Periyar University and did his B.Sc., Zoology from June 2010 and completed the same in July 2013. It is also contended on behalf of the petitioner that the respondents themselves had granted permission to join B.Sc., Zoology.



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4. In view of this particular fact, a direction is issued to the 4th respondent to examine the representation given by the petitioner who should not disqualify the petitioner only on the ground that he was studying B.Ed., between June 2010 and December 2010 and also simultaneously studying B.Sc., Zoology in the same period, but if the petitioner is otherwise qualified examine the representation given by him for the post of BT Assistant (Science). Necessary orders may be passed within a period of sixteen weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition stands allowed.
No costs. Consequently, connected Writ Miscellaneous Petition is closed.

17.08.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking order: Yes/No
smv



To

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C.V.KARTHIKEYAN,J.

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