



W.P.(MD)No.2366 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.(MD)No.2366 of 2023

and

W.M.P(MD) Nos.2150 & 2151 of 2023

Usha Ganapathy

Vs.

... Petitioner

1) The Chief Educational Officer,
Madurai District,
Madurai.

2) The Headmaster
Government High School,
Aanaiyur – 625017.
Madurai District.

... Respondents

Prayer: Writ Petitions is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.3037/A2/2022 dated 14.12.2022 and quash the same as illegal.

For Petitioner : Mr.J.Lawarance

For Respondents : Mr.S.Saji Bino
Special Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent, dated 14.12.2022 and to quash the same.

2. By consent of both parties, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that she was selected to the post of Junior Assistant by Direct Recruitment through the Tamil Nadu Public Service Commission and she was allotted to the Director of School Education Department Unit. Initially, she was appointed as Junior Assistant in the Assistant Elementary Educational Office, Thirunavalur, Villupuram District in the year 2014. Thereafter, she was transferred to Government High School, Aanaiyur. Her service was regularised with effect from 25.08.2014, by proceedings of the District Educational Officer, Villupuram, dated 27.05.2016. She has submitted an application to the first respondent on 30.03.2022, through the second respondent, seeking permission for studying two years B.Ed., course through the



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Distance Education Mode at Madurai Kamaraj University for the academic year 2022 – 2023. The said application was forwarded to the first respondent on 31.03.2022. However, the first respondent has rejected the same vide impugned order dated 14.12.2022, on the ground that the petitioner is not in teaching profession. Challenging the same, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that as per G.O.(Ms).No.101, dated 18.05.2018, the Chief Educational Officer is the authority for granting prior permission for acquiring additional qualification. However, in the present case, without considering Clause (ix) of the said G.O., the first respondent has rejected the petitioner's application, which is not sustainable one. Further, if the Madurai Kamaraj University have separate regulation, it is for the Madurai Kamaraj University to decide the same and the Chief Educational Officer cannot reject the petitioner's application citing the Madurai Kamaraj University Regulation. Hence, he prayed for appropriate orders.



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5. The learned Special Government Pleader appearing for the respondents would submit that as per the Madurai Kmaraj University Regulation, trained in-service teachers in elementary education alone eligible for completing the B.Ed., qualification. In the present case, the petitioner is not a teaching staff and the non-teaching staff is not eligible to acquire B.Ed., education. Hence, he prayed for dismissal of this writ petition.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

7. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service as Junior Assistant and she has completed D.T.Ed., in regular and B.A., (English) through the Distance Education Mode in Annamalai University. As per Annexure - I of G.O.(Ms.)No.101, School Education (Budget -1) Department, dated 18.05.2018, the Chief Educational Officer have power to grant prior permission for acquiring



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additional qualification. In Clause (ix) of Annexure – 1, it has been categorically held that the authority can give prior permission to the Headmasters and Headmistress in Government High Schools, Higher Secondary Schools and for all the staff for which the Chief Educational Officer is the appointing authority. This Court has perused the Prospectus of Madurai Kamaraj University, Directorate of Distance Education and the eligibility for B.Ed., course is (i) Trained in-service teachers in elementary education, (ii) A UG degree holder and the School teachers with P.G. Degree in Home Science, Economics and Commerce with same UG degree. Further, the eligibility has to be decided only by the Madurai Kamaraj University not by the Chief Educational Officer in terms of G.O. (Ms).No.101, dated 18.05.2018. Hence, the impugned order is liable to be set aside. Accordingly, the impugned order passed by the first respondent, dated 14.12.2022, is set aside and the first respondent is directed to grant prior permission to the petitioner for completing higher studies.



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8. In the result, this Writ Petition is allowed. No costs.
Consequently, the connected Miscellaneous Petition is closed.

07.02.2023

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

akv

To

- 1) The Chief Educational Officer,
Madurai District,
Madurai.
- 2) The Headmaster
Government High School,
Aanaiyur – 625017.
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M.DHANDAPANI,J.

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