



W.P(MD).No.10584 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.10584 of 2021

S.Dhanam

... Petitioner

Vs

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Child Development Officer,
(Integrated Child Development Scheme)
Collectorate, Dindigul,
Dindigul District.
- 3.The Commissioner of Panchayat,
Reddiyarchathram Panchayat Union,
Dindigul District.
- 4.National Institute of Open Schooling (NIOS),
Rep.by its Regional Director,
Lady Wellington Campus,
Kamarajar Salai, Triplicane,
Chennai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent herein in Na.Ka.No.499/2021/OO.VA 13 dated 23.03.2021 and quash the same as illegal and direct the first respondent to promote the petitioner to the post of Noon Meal Organiser within the time frame fixed by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader
for R1 to R3
Mr.R.Thirunavukkarasu for R4

ORDER

This Writ Petition has been filed seeking for quashment of the impugned order passed by the first respondent vide Na.Ka.No.499/2021/OO.VA 13 dated 23.03.2021 and directing the first respondent to promote the petitioner to the post of Noon Meal Organizer.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.



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3. The petitioner was appointed as Noon Meal Assistant at Ramalingampatti Panchayat School Reddiyarchathram Panchayat, Dindigul District, by the first respondent vide proceedings dated 31.12.2009. She was further promoted as Noon Meal Cook vide proceedings of the first respondent dated 13.02.2017 at Santhamanayakanpatti Reddiyarchathram Panchayat, Dindigul District. The petitioner has completed 10th standard and joined service in the year 2004. Considering her unblemished service for a period of 10 years, she ought to have been promoted to the post of Noon Meal Organizer. The petitioner has sent a representation on 16.12.2020 to the first and third respondents to consider her for the post of Noon Meal Organizer. Since the same was not considered, the petitioner has filed a writ petition in W.P(MD).No.3105 of 2021 before this Court and the said writ petition was disposed of on 18.02.2021 directing the first respondent to consider her representation dated 16.12.2020. Thereafter, the impugned order dated 23.03.2021 came to be passed by the first respondent rejecting her claim to include her name in the panel promotion for the post of Noon Meal Organizer on the ground that the Certificate issued by the fourth respondent



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for having completed Secondary School of Education by the petitioner is not equivalent to state board syllabus. Challenging the same, the present Writ Petition has been filed.

4. The learned Special Government Pleader appearing for the respondents submits that on the basis of G.O(Ms).No.144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017, those who have obtained a decree under Open University System after passing the Pre-foundation Course and two year Foundation Course without passing 10th and 12th standards do not satisfy the conditions laid down in G.O(Ms).No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009. Hence, SSLC obtained by the petitioner from the fourth respondent Institution is not acceptable one and on that ground, the petitioner's claim seeking promotion to the post of Noon Meal Organiser has been rightly rejected.



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5. Per contra, the learned counsel appearing for the fourth respondent submits that the National Institute of Open Schooling (NIOS) is one of the two National Boards of school education and is offering courses at School through open and distance learning mode. The National Institute of Open Schooling was established by the Ministry of Education, Government of India, with prime objective to offer academic programme at pre-degree level which mostly includes the secondary, senior secondary levels including vocational educational courses. Moreover, the Association of Indian Universities has also issued the equivalency to the courses offered by NIOS vide its letter No.EV 11/(354)/91 dated 25.07.1991. The Government of India, Ministry of Education Department of School Education and Literacy through its letter dated 05.10.1993 has also communicated to all the States, Directors of Education and Chairman of Secondary Education Boards that the candidates passing from NIOS are eligible for admission to the higher education courses and jobs in Government Sector. While so, by letter No.6923/K1/2019 dated 26.05.2021 issued by the Secretariat, Higher Education (K-1) Department, Chennai, it was informed that the Certificate



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courses of classes X and XII offered by the fourth respondent cannot be recognized for appointment/promotion in public services in Tamil Nadu.

Therefore, the fourth respondent has taken steps to place this issue before the equivalence Committee to be convened by the Tamil Nadu State Council for Higher Education, but it could not be done. However, it is an admitted fact that NIOS is offering courses at pre-degree level through open and distance learning mode. Therefore, the students of NIOS should not be barred from appointment/promotion in public services.

6. This Court is of the considered view that already the fourth respondent has taken steps to place this issue before the Equivalence Committee to be convened by the Tamil Nadu State Council for Higher Education to consider 10th and 12th standard courses offered by the fourth respondent as equivalent to state board syllabus. Considering the status of the job in which the petitioner has rendered unblemished service for the past about 10 years, a woman, with a limited background, who is working as Noon Meal Cook and has taken out considerable efforts to get the qualification of 10th standard while in service, should not be deprived of right



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to be considered for promotion. Hence, this Court is inclined to quash the impugned order passed by the first respondent Na.Ka.No.499/2021/OO.VA 13 dated 23.03.2021 and direct the first respondent to treat SSLC qualification obtained by the petitioner from the fourth respondent Institution as equivalent to the SSLC offered by the State Board and thereafter consider her for promotion to the post of Noon Meal Organizer.

7. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

31.07.2023

NCC:Yes
Index : No.
Internet : Yes.
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L.VICTORIA GOWRI,J

ssb

Order made in
W.P(MD).No.10584 of 2021

31.07.2023