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W.P.No.1124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 1124 of 2022
and W.M.P.Nos.1180 & 1181 of 2022

M.Gavasakar

.... Petitioner

Vs

1. The Director
Elementary Education Department,
Directorate of School Education,
DPI Compound,
Chennai-600 006.

2. The Chief Educational Officer,
Office of the Chief Education Officer,
Tirupur-641 604.

3. The District Educational Officer,
Office of the District Educational Office,
Tiruppur.

4. Block Educational Officer,
Tiruppur South Union,
Tiruppur District.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka.No.935/Aa1/2020 dated 29.05.2020 and Na.Ka. No.427/Aa1/2021 dated 01.04.2021 on the file of the 3rd respondent quash the same consequently directing the respondents to promote the petitioner from secondary grade teacher to



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B.T.Assistant teacher (Science) with effect from 18.06.2014 on par with his juniors with all attendant benefits

For Petitioner : Mr.R.Ezhilarasan
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the third respondent dated 01.04.2021, thereby rejected the request made by the petitioner to consider him to the post of BT Assistant (Science) with effect from 18.06.2014 on par with his juniors with all attendant benefits.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined the post of Secondary Grade Teacher on 01.03.2008. Thereafter, the petitioner obtained a degree in B.Sc. (Applied Chemistry) in the month of December 2009. The petitioner was duly completed B.Sc., and obtained a degree in the month of December, 2002. Therefore, the petitioner is eligible for promotion to the post of B.T.Assistant with effect from 18.06.2014. However, his



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name was not included in the panel for promotion to the post of B.T.Assistant as on 01.01.2014 on the ground that the petitioner was not eligible for promotion to the post of B.T.Assistant, since the degree obtained by the petitioner in B.Sc (Applied Chemistry) is not equivalent to B.Sc (Chemistry). The petitioner submitted a representation and the same was not considered. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P.No.32808 of 2019. After filing of the writ petition, the request made by the petitioner was rejected. In the meanwhile, the juniors were promoted to the post of BT Assistant.

4. While being so, by G.O.Ms.No.65, Higher Education (K2) Department, dated 24.04.2019, which declared that B.Sc (Applied Chemistry) awarded by the Annamalai University is equivalent to B.Sc (Chemistry) for the purpose of employment in public service. Therefore, the petitioner sought for promotion to the post of B.T. Assistant from the date of his completion of degree in B.Sc (Applied Chemistry).

5. A perusal of the counter filed by the third respondent reveals that though the petitioner had completed his B.Ed., degree in the



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year 2012, his degree was not declared as equivalent to B.Sc (Applied Chemistry) for considering his name in the panel for promotion to the post of B.T.Assistant in the year 2014. By G.O.Ms.No.65, dated 24.04.2019, which clarified that the degree B.Sc (Applied Chemistry) issued by the Annamalai University is equivalent to B.Sc (Chemistry) for the purpose of employment in public service only. Accordingly, the case of the petitioner was considered in the panel for promotion to the post of B.T.Assistant (Science), by the proceedings dated 05.03.2023. Now the petitioner is working as B.T.Assistant in Panchayat Union Middle School, Tiruppur South Union.

6. The only point for consideration in this writ petition is that whether the petitioner is entitled for promotion to the post of B.T.Assistant on par with his juniors, since the degree obtained by the petitioner was declared as equivalent to B.Sc (Chemistry). In this regard, the learned counsel appearing for the petitioner relied on the Judgment of the Madurai Bench of this Court reported in **CDJ 2014 MHC 1476** in the case of **A.Nadar Thanga Shubha Laxman Vs. The State of Tamil Nadu & another**, in which this Court held that the equivalence certificate issued by the committee constituted by the Government declaring that



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the degrees obtained from one University is equivalent to the degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right from the date of issuance. Therefore, the petitioner is entitled for promotion to the post of B.T.Assistant (Science) with effect from 18.06.2014 on par with his juniors. Hence, the order impugned is liable to be quashed.

7. In view of the above, the proceedings of the third respondent dated 01.04.2021 is hereby quashed. The respondents are directed to grant notional promotion to the post of B.T.Assistant (Science) with effect from 18.06.2014 with all attendant benefits except monetary benefits within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed.

No costs.

02.07.2024

Internet : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

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