



WEB COPY

W.P.No.7561 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.7561 of 2021

Dr.G.Sivagurunathan

...

Petitioner

versus

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai - 600 025.

3.The Principal,
Government Polytechnic College,
Udhagamandalam,
Nilgiris District - 643 001.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose of the representation dated 17.02.2021 made by the petitioner by directing the 2nd respondent to promote the petitioner as Head of Department/Electrical and Electronics Engineering in the Government Polytechnic College, Coimbatore by assigning appropriate seniority to the petitioner in the post of Head of Department/Electrical and Electronics



Engineering based on his qualification and seniority in Polytechnic service after giving a personal hearing to the petitioner.

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For Petitioner

:

M/s.C.Uma

For Respondents

:

Mr.K.Surendran

Additional Government Pleader

ORDER

Heard M/s.C.Uma, learned counsel for the petitioner and Mr.K.Surendran, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The petitioner has filed this Petition, seeking a writ of mandamus to consider his representation dated 17.02.2021 to promote him to the post of Head of Department. Despite the name of the petitioner being recommended for promotion panel prepared for the year 2017, the faculties who were juniors to the petitioner have been included in that panel.

3. The petitioner has acquired B.E. in Electrical and Electronics Engineering and M.E. in Computer Science and Engineering. It is learnt that the petitioner was not considered for promotion as Head of Department in view of his cross major qualification.



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4. M/s.C.Uma, learned counsel for the petitioner submitted that the Electrical and Electronics Engineering and Computer Science are allied subjects and hence they cannot be considered as cross major subjects. It is submitted that in pursuant to the Government Order issued in G.O.(Ms).No.59, Higher Education (I2)Department, dated 26.02.2021, the persons who have secured B.E. in Mechanical Engineering and M.E. in Nano Technology have been included in the panel for the post of Head Of Department / Mechanical Engineering for the year 2018 and 2019. The petitioner cites previous such incidents where other candidates who have got major degrees in both under graduation and post graduation have been considered to be included in the promotion panel. It is further submitted that in qualification prescribed in G.O.(Ms).No.1081, Education Department, dated 19.08.1989, there is no mention regarding appropriate branch either B.E. or M.E.

5. When there is no exclusive bar, the respondents can consider and pass orders on the representation given by the petitioner in the light of the earlier promotion given such persons, who possessed degrees in both B.E. and M.E. as cross major subjects.



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In view of the same, this Writ Petition is **disposed** and the 1st respondent is directed to consider the representation of the petitioner dated 17.02.2021 and pass appropriate orders on its own merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

07.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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R.N.MANJULA, J.

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