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W.P. No.8974 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8974 of 2021
and
W.M.P.No.9488 of 2021

B.Hamsaveni

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Secretariat, Chennai – 600009.
- 2.Director of School Education,
Tamil Nadu Education Department,
DPI Campus,
Chennai – 600006.
- 3.Joint Director of School Education (Personnel)
DPI Campus,
Chennai – 600006
- 4.Joint Director (HSS)
DPI Campus,
Chennai – 600006.
- 5.Public Information Officer/Chief Educational Officer,
Nilgiris District,
Uthagamandalam.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 5th respondent herein culminating in Office Letter No.776/B1/2021 dated 10.2.2021 and quash the same and consequently direct the respondents to promote the petitioner to fix selection grade pay of the petitioner and to promote the petitioner to the post of P.G. Teacher with effect from the date on which the petitioner's immediate junior was promoted to the post of P.G. Teacher.

For Petitioner : Mr.V.L.Akshai Sajin Kumar

For Respondents : Mr.K.H.Ravi Kumar
Government Advocate.

ORDER

The petitioner herein, was appointed as B.T.Science Teacher during the year 2005-06. Thereafter, she worked at different places and finally during the year 2013, the name of the petitioner was included in the panel for promotion to the post of Post Graduate teacher and the same was continued in the panel till the year 2018. Finally, it was in the year 2018, the name of the petitioner was deleted from the said panel on the ground that the petitioner acquired M.Sc., Zoology and B.Ed qualifications simultaneously and therefore, she is not eligible for promotion to the post of Post Graduate teacher. It is aggrieved by the said decision of the respondents through



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impugned proceedings dated 10.02.2021, the petitioner approached this Court by filing the present writ petition contending that there is no legal bar from acquiring post graduate degree and B.Ed simultaneously and therefore, the action of the respondents in deleting the name of the petitioner from the panel for promotion to the post of Post Graduate teacher cannot be sustained.

2. When the matter is taken up for consideration on 20.06.2024, considering the request made by the learned counsel for the petitioner, the matter was adjourned today. Today, it was brought to the notice of this Court by the learned Government Advocate that the issue as to whether the in-service candidate are entitled to pursue two degree courses simultaneously or not, has come up for consideration before the learned Full Bench of this Court in W.P.Nos.2807 of 2014 & batch and the learned Full Bench decided the matter holding that in the absence of any guidelines issued by the University Grants Commission, the degrees acquired simultaneously cannot be taken into consideration. The relevant portion of the said decision reads as under:

“30. Now, coming to the issued under reference, the Division Bench in B.Jagadeeswari V. The Chairman, Teachers Recruitment Board, Chennai [W.A.No.845 of



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2013 dated 07.01.2014] has rightly held that unless the dual degrees obtained simultaneously in the same academic year is recognized, a candidate cannot seek for a direction to the appointing authority to select and appoint him/her to a particular post. Incidentally, the Division Bench has also held that unless a specific direction is issued by the UGC in the form of statutory notification, mere recommendation of the UGC approving the proposal to permit the students to pursue two degrees simultaneously in the same academic year have only a recommendatory value. As stated earlier, unless and until, the UGC recognizes such degree courses, there is no obligation on the part of the university or the employers / recruiting agencies to recognize such degree courses in the absence of any such rules in this regard. Thus, we are in agreement with the law laid down by the Division Bench in B.Jagadeeswari V. The Chairman, Teachers Recruitment Board, Chennai [W.A.No.845 of 2013 dated 07.01.2014]. For the reasons already discussed by us hereinabove, we are not in agreement with the judgement rendered by the latter Division Bench in the Secretary, School Education Department, Fort St. George, Chennai and 2 others V. L.Kavitha [W.A.No.1098 of 2012 dated 24.06.2016] as it did not lay down the correct law.”



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3. In the light of the above decision of the learned Full Bench of this Court, the claim of the petitioner to take into consideration the simultaneous degree acquired by the petitioner namely M.Sc and B.Ed degrees and to treat her as eligible for promotion to the post of Post Graduate Teacher cannot be sustained and hence, this Court does not find any error or illegality in the impugned Letter No.776/B1/2021 dated 10.02.2021 issued by the respondents.

4. Accordingly, the writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

26.06.2024

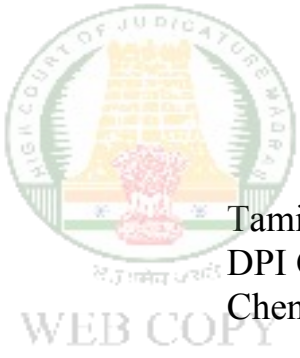
Index : Yes/No
Speaking Order : Yes/No
dpa

To:

1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai – 600009.

2.The Director of School Education,

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Tamil Nadu Education Department,
DPI Campus,
Chennai – 600006.

3.The Joint Director of School Education (Personnel)
DPI Campus,
Chennai – 600006

MUMMINENI SUDHEER KUMAR,J.

dpa

4.The Joint Director (HSS)
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