



WEB COPY

W.P.No.9924



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9924 of 2012

K.Chandrasekaran

... Petitioner

Vs.

1. State of Tamil Nadu, Represented by its Secretary,
Higher Education Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Technical Education,
Guindy, Chennai - 600 025.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Certiorarified Mandamus calling for the records on the file of the second respondent relating to the order issued in Memo No.59867/ B4/2010 dated 25.10.2011 and quash the same and consequently direct the respondents to promote the petitioner to the post of Associate Lecturer/ Lecturer with effect from 26.09.1986 on acquiring equivalent qualification to B.E.Degree with all consequential and attendant benefits including further promotion to the Post of Lecturer in Senior Scale, Selection Grade, Head of the Department with all other attendant benefits.

For Petitioner	: Mr.Jayamalan for Mr.S.Nedunchezhiyan
For Respondent	: Mr.R.Neethi Perumal, Government Advocate

ORDER

The petitioner herein was appointed as 'Instructor' in Srinivasa Subburaya



Polytechnic College, Puthur, Sirkazhi Taluk, Nagapattinam District on 26.09.1984 and was subsequently considered for promotion to the post of 'Associate Lecturer' in the year 1989, after completing 5 years of service in the post of 'Instructor'. The qualification that was possessed by the petitioner was 'Diploma in Mechanical Engineering' and basing upon the said qualification only, the petitioner was appointed to the post of 'Instructor'. Though, the petitioner was promoted to the post of 'Associate Lecturer' in the year 1989, after completing 5 years of service, the petitioner made a claim for such promotion on completion of 2 years of service in the post of 'Instructor' by placing reliance on G.O (Ms) No.1081, Education Department, dated 19.08.1989 and an order passed by this Court in W.P.No.4115 of 1986 dated 27.02.1990 and the consequential amendment made to the Rules under G.O (Ms) No.1146, Education (I) Department, dated 25.11.1992, contending that once the petitioner on completing 2 years of service in the post of 'Instructor' is to be treated as an equivalent to the person possessing degree qualification and therefore, he is entitled for re-designation as 'Associate Lecturer' in terms of Paragraph No.4 of G.O (Ms) No.1081 dated 19.08.1989 read with the order passed by this Court in W.P.No.4115 of 1986 dated 27.02.1990.

2. This Court has carefully gone through G.O (Ms) No.1081 dated



19.08.1989 as well as G.O (Ms) No.1186 dated 25.11.1992 and the amendment made therein to the Rules issued in G.O (Ms) No.721, Education Department dated 28.04.1981. After perusal of the same, it is noticed that the persons who acquired degree while working as 'Instructor' are only entitled for 'Associate Lecturer' in terms of G.O (Ms) No.1081 dated 19.08.1989 and in terms of the orders issued in G.O (Ms) No.1146 dated 25.11.1992. It is only after completion of 5 years of service, the 'Instructor' holding Diploma degree is entitled for re-designation/ promotion as 'Associate Lecturer', but not otherwise. The question of 'Instructor' holding Diploma being treated as the persons possessing the degree qualification on completion of 2 years of service is totally misconceived. In the circumstances, the entire claim made by the petitioner before the respondent and in this writ petition is totally misconceived.

3. In the circumstances, this Court does not find any merit in the Writ Petition and also does not find any error or illegality in the impugned order passed by the respondents. Accordingly, the Writ Petition is dismissed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

06.09.2024

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Index : Yes / No



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Speaking order / Non-speaking order
Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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To

1. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Technical Education,
Guindy, Chennai - 600 025.

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