



W.P.No.14922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.11.2024

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14922 of 2024
and W.M.PNo.16198 and 16199 of 2024

S.Shanmugham

...Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

2.The Director of School Education,
College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Perambalur,
Perambalur District – 621 212.

4. The District Educational Officer,
Perambalur,
Perambalur District- 621 212.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records relating to



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the impugned order passed by the 2nd respondent Director of School Education vide proceedings in Mu.Mu.No.009567/W2/E2/2024 dated 18.04.2024, quash the same and further direct the respondents to give promotion to the petitioner with effect from 18.01.2011 the date on which his immediate junior was promoted and consequentially release all the benefits attached to it including service seniority and monetary benefits, and pass such further orders.

For Petitioner : Mr.P.Godson Swaminathan
for M/s.Issac Chambers
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Certiorarified Mandamus, challenging the order of the second respondent, dated 18.04.2024 and further direct the respondents to give promotion to the petitioner with effect from 18.01.2011 on par with his juniors with all attendant benefits.

2. Heard, Mr.P.Godson Swaminathan, learned counsel for M/s.Issac Chambers, learned counsel for the petitioner and Mrs.S.Mythreye Chandru,



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learned Special Government Pleader appearing on behalf of the respondents.

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3. The learned counsel for the petitioner would submit that the petitioner was initially appointed as a Junior Grade B.T. Assistant on 27.07.2004, which was pursuant to the selection conducted by the Teachers Recruitment Board in the year 2003 – 2004. His service was brought under the regular time scale of pay with effect from 01.06.2006. Since, he possessed requisite qualifications for the post of P.G. Assistant in Chemistry, his name was included in the panel for promotion to the years 2008-2009 and 2009-2010, whereas his name was not included in the panel for the year 2010-2011. Therefore, the petitioner had made a representation to the second respondent Director of School Education, whereas the second respondent informed the petitioner that orders are being awaited from the Government to treat M.Sc (Industrial Chemistry) as equivalent to M.Sc (General Chemistry).

4. Aggrieved over the same, the petitioner was constrained to file a Writ Petition in W.P.No.15719 of 2011 before this Court and this Court



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granted an interim order dated 18.08.2011 directed the respondents to keep one post of P.G.Assistant Chemistry vacant until further orders. In view of the order passed by this Court in W.P.No.12810 of 2009 dated 08.02.2010, directed the respondents to include the name of the petitioner in the panel for the year 2010-2011 for promotion to the post of P.G.Assistant in Chemistry, subject to the final outcome of the Writ Petition. In terms of the order passed in the above said Writ Petition, the petitioner's Writ Petition was allowed. In spite of the same, the respondents refused to promote the petitioner as P.G.Assistant Chemistry.

5. While that being so, the Government issued G.O.(Ms.) No.24, Higer Education (K2) Department dated 13.02.2013, which declared that M.Sc. (Industrial Chemistry) is equivalent to M.Sc.(Chemistry) for the purpose of employment in public service. Therefore, the petitioner sought for promotion to the post of P.G. Assistant

6. On perusal of the counter affidavit filed by the third respondent



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reveals that though the petitioner had completed M.Sc. (Industrial Chemistry) in the year 1995, which is not declared as equivalent to M.Sc, General Science for considering the name of the petitioner in the panel for promotion to the post of P.G.Assistant Chemistry in the panel for the year 2010-2011. By G.O.(MS.)No.24 Higher Education (K2) Department dated 13.02.2013, which clarified that the M.Sc. (Industrial Chemistry) is equivalent to M.Sc. (Chemistry) for the purpose of employment in public service. Accordingly, the case of the petitioner was considered in the panel for promotion to the post of P.G. Assistant Chemistry by proceedings dated 28.12.2013. Now the petitioner is working as P.G. Assistant Chemistry.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

8. The only point for consideration in this Writ Petition is that whether the petitioner is entitled for promotion to the post of P.G. Assistant Chemistry on par with his juniors, since the degree obtained by the petitioner was declared as equivalent to M.Sc. Chemistry. In this regard, the



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learned counsel appearing for the petitioner relied on the judgment of the Madurai Bench of this Court reported in **2014 (2) LW 881** 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 the degrees 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 P.G. Assistant Chemistry with effect from 18.01.2011 on par with his juniors. Hence, the order impugned is liable to be quashed.

9. In view of the above, the proceedings of the second respondent dated 18.04.2024 is hereby quashed. The respondents are directed to grant notional promotion to the post of P.G. Assistant Chemistry with effect from 18.01.2011 with all attendant benefits except monetary benefits within a period of eight (8) weeks from the dated of receipt of a copy of this order.

10. With the above direction, this Writ Petition stands allowed.



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Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

V.BHAVANI SUBBAROYAN,J.

gba

To

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
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