



W.P.No.16272 of 2020

WEB C

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd Respondent in Na.Ka.No.48415/C2/E2/2019 dated 16.04.2019 and quash the same and consequently directing the Respondents to promote the Petitioner to the post of B.T.Assistant (History) on inclusion of his name in 2013 panel on par with his juniors, with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.T.Rajangam,
Government Advocate

ORDER

This writ petition is filed seeking to quash the impugned proceedings issued by the 2nd Respondent in Na.Ka.No.48415/C2/E2/2019 dated 16.04.2019 and consequently directing the Respondents to promote the Petitioner to the post of B.T.Assistant (History) on inclusion of his name in 2013 panel on par with his juniors, with all consequential and other attendant benefits.

2. The case of the petitioner is as follows:



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2.1 The Petitioner initially appointed as Secondary Grade Teacher in School Education Department on 27.12.1989. While in service, the Petitioner has acquired M.A., (History) degree through Distance Education under Open University System (OUS) in May 1995. Thereafter, the Petitioner qualified with B.Ed., in May 1996 and further qualified with M.Ed., in May 1997. Subsequently, he studied B.A., (History) and completed the same in May 2012 and accordingly, he is eligible to be included in the panel for promotion to the post of B.T.Assistant (History) in the panel year 2013 with crucial date 01.01.2013. The 3rd Respondent forwarded the name of the Petitioner along with others to the 2nd Respondent for inclusion of his name in 2013 panel, but however, his name has not been considered.

2.2 After much persuasion, the Petitioner comes to know through RTI that he has studied M.A., (History) through Distance Education under Open University System directly after passing 12th standard and thereafter he acquired B.Ed., degree and B.A., degree and therefore he is not qualified as per G.O.Ms.No.107 P&AR Department dated 18.08.2009.

2.3 The Petitioner filed an appeal to the 2nd Respondent by stating that the qualification for the post of B.T.Assistant is Bachelor degree with B.Ed., and the Government Order in G.O.Ms.No.107 dated 18.08.2009 insists



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for 10+2+3 pattern of study to acquire three years degree course only after completing 10th standard, 12th standard and he has also studied Bachelor degree only after 10th standard and 12th standard and hence he is fully qualified for promotion to the post of B.T.Assistant (History) based on 2013 panel on par with juniors. However, the 2nd Respondent issued orders dated 16.04.2019 rejecting appeal made by Petitioner by referring to G.O.Ms.No.116 P&AR Department dated 18.08.2010 as per which the P.G degree obtained through Open University System without obtaining a basic degree cannot be considered as possessing a Post Graduate degree for appointment to Public Services. Challenging the impugned order passed by the 2nd Respondent, the petitioner has approached this Court by filing this writ petition.

3. Learned counsel appearing for the petitioner submitted that he has acquired M.A., (History) degree through Distance Education under Open University System (OUS) in May 1995. Thereafter, the Petitioner qualified with B.Ed., in May 1996 and further qualified with M.Ed., in May 1997. Subsequently, he studied B.A., (History) and completed the same in May 2012 and accordingly, he is eligible to be included in the panel for promotion to the post of B.T.Assistant (History) in the panel year 2013 with crucial date



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01.01.2013. Learned counsel further submitted that the petitioner had attained the age of superannuation on 31.05.2024.

4. A counter affidavit was filed on behalf of the respondents dated 17.12.2020.

5. Learned Government Advocate appearing for the respondents vehemently opposed that the petitioner after 10+2 qualification obtained M.A., Degree (2 years duration) and B.Ed., Degree (one year duration). Normally, the duration of the course of study of a right person is 10+2 and U.G., 3 years and thereafter B.Ed., one year totally 16 years.

6. Learned Government Advocate contended that as per G.O.(Ms).No.116, Personnel and Administrative Reforms (M) Department dated 18.08.2010, the P.G. Degree obtained without U.G. Degree was held invalid for appointment to the posts for which P.G. Degree is prescribed as essential qualification and the P.G. Degree obtained through Open University System (without U.G. Degree) is declared ineligible for promotion. He further contended that the top qualification should have been obtained only by proper study from lower level step by step in ascending order. But the



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petitioner obtained M.A., Degree first B.Ed., Degree and later obtained B.A., Degree which is not the correct qualification.

7. Heard both sides and perused the materials placed on record.

8. In the case on hand, the petitioner has completed M.A., (History) degree through Distance Education under Open University System (OUS) in May 1995. Thereafter, the Petitioner qualified with B.Ed., in May 1996 and further qualified with M.Ed., in May 1997. Subsequently, he studied B.A., (History) and completed the same in May 2012.

9. The G.O.(Ms).No.116, Personnel and Administrative Reforms (M) Department dated 18.08.2010, in which it is stated that “*those who possess a P.G. Degree through Open University System without obtaining a basic degree cannot be considered as possessing a Post Graduate degree for appointment to public services*” is not applicable to the case on hand since the petitioner is seeking promotion only as B.T.Assistant (History) for which B.A., (History) and B.Ed are the essential qualifications, but he has obtained PG degree first and then B.A., (History). Hence, it is a reverse degree.

10. The petitioner has obtained / acquired reverse degree that is 10+2, M.A degree and B.Ed degree. Hence, he is not eligible. In other words,



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the petitioner does not possess the eligible qualification of 10+2+3 and B.Ed. to be promoted as B.T.Assistant (History) since he has obtained a reverse degree. It is also seen that the petitioner had attained the age of superannuation on 31.05.2024.

11. Considering the facts and circumstances of the case, the impugned order passed by the second respondent in Na.Ka.No.48415/C2/E2/2019 dated 16.04.2019 is liable to be confirmed and the same is accordingly confirmed.

12. With the above observation, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2024

cda
Index : Yes/No
Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.

cda

To



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- 1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 2.The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.
- 4.The Chief Educational Officer,
Chengalpet District,
Chengalpet.
- 5.The District Educational Officer,
St. Thomas Mount Educational District,
Government Boys Higher Secondary School Campus,
Chrompet, Chennai.

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