



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.20101 of 2021
and W.M.P.No.26153 of 2023

Dr.S.D.Dinesh Kumar,
S/o.S.Durairaj,
Assistant Professor,
Department of Sociology & Social Work,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

...

Petitioner

versus

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent in University Order no.397/2020 (C) dated 05.10.2020 and quash the condition imposed on the petitioner that “to continue in the present stage/position till qualify in 10+2+3 pattern to become eligible for AGP movement/promotion” as illegal and unlawful consequently direct the respondent to provide all the service and monetary benefits to the petitioner.



For Petitioner : Mr.J.Pooventhera Rajan

For Respondent : Mr.S.Sithirai Anandan
Standing Counsel for Annamalai University

ORDER

Heard Mr.J.Pooventhera Rajan, learned counsel for the petitioner and Mr.S.Sithirai Anandan, learned Standing Counsel for the respondent and perused the materials available on record.

2. The petitioner was appointed as a Lecturer in the respondent College on 16.04.2007 and his services have been confirmed on 16.10.2009. At the time of appointment, the petitioner had the educational qualification of SSLC, Diploma in Mechanical Engineering, B.A. degree in Sociology, M.A. degree at Sociology and M.Phil. Subsequent to his joining into service, he also acquired a Doctorate in Sociology. On 13.03.2017, the respondent issued a show cause notice to the petitioner, calling for explanation that he did not have the qualification in 10+2+3 pattern. The petitioner has also given his explanation by relying upon the Government Order in G.O.(Ms).No.242, Higher Education Department, dated 18.12.2012. However, the respondent rejected the claim of the petitioner



and passed the impugned order. Aggrieved over the same, the petitioner has filed this Writ Petition.

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3. After explanation submitted by the petitioner, an order has been passed by the respondent on 05.10.2020 by dropping the show cause notice on condition that he should continue in the present stage itself / position till he qualifies in 10+2+3 pattern to become eligible for AGP movement / as per Rules. The said impugned order is now under challenge.

4. As per G.O.(Ms).No.242, Higher Education Department dated 18.12.2012, 10+2+3 pattern is equivalent to 10+3+2 pattern and the petitioner does not suffer from any disqualification for future promotion and hence, the impugned order is liable to be set aside. However during the pendency of the Writ Petition, the Government has given a clarification in Letter No.1090/H1/2021-1, dated 01.03.2022, as under:-

“I am to invite attention to the references cited. In your letter 2nd cited, it has been requested to clarify whether 10+3+3 pattern (Diploma qualification after SSLC) can be considered equivalent to 10+2+3 (H.Sc) and whether such candidates working in Arts discipline are eligible for further promotion.



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2. In this regard, I am to clarify that 10+3+3 pattern i.e. 3 years degree course after the completion of SSLC & 3 years Diploma course can be considered equivalent to 10+2+3 i.e. 3 years degree course after the completion of SSLC & HSC and the candidates possessing the above qualifications i.e. 10+3+3 pattern are eligible for promotion as per the G.O. first cited.”

5. Since the petitioner's remedy has been addressed in view of the above clarification given by the Government, the petitioner cannot have any more grievance now.

By recording the above issuance of the Government clarification *vide* Letter No.1090/H1/2021-1, dated 01.03.2022, this Writ Petition is **disposed**, with a direction to the respondent to consider the petitioner's future promotion by recognising his qualification in accordance with the above clarification. No costs. Consequently, connected Miscellaneous Petition is closed.

13.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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To

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
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R.N.MANJULA, J.

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