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W.P.No.36522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.36522 of 2023

S.Shanmugham

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Petitioner

Vs

1. The Director of School Education,
College Road,
Nungambakkam,
Chennai.

2. The Chief Educational Officer,
Perambalur,
Perambalur District.

3. The District Educational Officer,
Perambalur,
Perambalur District.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents herein to consider the seniority of the petitioner for the post of P.G.Assistant (Chemistry) teacher for the period from 18.01.2011 and grant other monetary benefits to the petitioner with retrospective effect.

For Petitioner : M/s.A.B.Jeeva

For Respondents : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for a direction directing the respondents to consider the seniority of the petitioner for the post of P.G.Assistant (Chemistry) teacher for the period from 18.01.2011.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined as Junior Grade B.T.Assistant on consolidated pay. He was regularised from the year 2006. Next post of his promotion is P.G. Assistant. A panel was drawn for the year 2009 and his name was placed in rank No.196. However, he was not promoted to the post of P.G.Assistant (Chemistry) in the year 2009-2010. He was also recommended along with service particulars and sent to the second respondent as per the panel and the same was forwarded to the first respondent, by its communication dated 09.06.2011. It was returned on the ground that he possessed M.Sc., (Industrial Chemistry) and did not qualify in the M.Sc., (Chemistry). After filing writ petition before this Court, the M.Sc Industrial Chemistry degree is also recommended to be eligible to M.Sc., (Chemistry) in colleges as a Lecturer



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under the Tamil Nadu Collegiate Education Service. Considering the order passed by this Court, the Government also passed G.O (Ms.) No. 24 dated 13.02.2013 and accepted the recommendation of the Equivalence Committee and accordingly, directed the M.Sc.,(Industrial Chemistry) awarded by the Bharathidasan University, Tiruchirappalli and Alagappa University, Karaikudi, were considered as equivalent to M.Sc., (Chemistry) for the purpose of employment of public services and promotion.

4. As per Government Order, the petitioner was given promotion to the post of P.G.Assistant on 30.12.2013. However, he was not given promotion with retrospective effect. That apart, the second respondent forwarded the communication and submitted their explanation to the first respondent dated 25.02.2016, thereby directed to issue an order regarding the seniority and monetary benefits to the petitioner.

5. Considering the above facts and circumstances of the case, the first respondent is directed to consider the case of the petitioner for retrospective promotion to the post of P.G.Assistant, with effect from 2010-2011 as recommended by the second respondent dated 25.02.2016 and pass



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orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. It is made clear that the petitioner is not entitled for monetary benefit except the other service benefits for the said period.

08.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1. The Director of School Education,
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G.K.ILANTHIRAIYAN. J,

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