



W.P.(MD)No.2428 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.2428 of 2022

T.Murugananthan

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai – 600009.

2.The Commissioner,
School Education Department,
DPI Complex,
College Road,
Nungambakkam,
Chennai -600 006.

3.The Joint Director of School Education,
(Vocational Education),
DPI Compound,
College Road,
Nungambakkam,
Chennai – 600 006.

4.The Chief Educational Officer,
Dindigul District,
Dindigul.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and pass order on the petitioner's representation dated 30.08.2021 submitted in regard to provide continuation of service from the year 2008 and pay salary from 27.07.2013 to 06.04.2015 by considering petitioner's educational qualification at the time of initial appointment within the time limit fixed by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

The writ petition has been filed to direct the respondents to provide continuation of service from the year 2008 and pay salary from 27.07.2013 to 06.04.2015, by considering the petitioner's representation dated 30.08.2021.

2. The case of the petitioner is that the petitioner has acquired B.Sc (computer science) and B.Ed degrees and registered with the District Employment Office. The State Government of Tamil Nadu wanted to introduce computer education in Higher Secondary level by paying consolidated pay. Since the petitioner was eligible for the said post, he applied for the same and appointed as computer instructor in the year 1999. Thereafter, the Government



W.P.(MD)No.2428 of 2022

wanted to bring the computer instructor under time scale of pay by fixing minimum qualification as B.Sc., and B.Ed, in computer science. But many candidates, who were under qualified in computer science, acquiring PGDCA were appointed and they continued in service. The Government wanted to bring them under regular service by conducting a special qualifying test. Though the petitioner possessed requisite qualification to the post of Computer Instructor, the authorities forced the petitioner to attend the special qualifying test. Pursuant thereto, in the year 2008, the Government conducted special qualifying test for 150 marks and fixed 50% of marks as qualifying cut-off marks. Since minimum candidates were secured 50% of marks, the Government had relaxed and refixed the cut-off marks as 35%. The petitioner, who has secured minimum cut off marks in the said test, was issued with an order of appointment on 10.11.2008. In such circumstances, the Government once again re-fixed the cut-off marks as 50% and expelled the candidates, who had secured minimum cut-off marks. Accordingly, the petitioner was removed from service on 27.07.2013.

3. While so, the Government fixed the minimum qualification for the post of computer instructor as B.sc., and B.Ed., and decided to fill those posts through employment seniority. Accordingly, 652 posts of computer instructor Grade -II were filled and the petitioner was appointed on 06.04.2015. Since, the



W.P.(MD)No.2428 of 2022

petitioner has requisite educational qualification in his initial appointment, the respondent ought to have exempted petitioner from writing special qualifying test. The petitioner was regularized since 2008. Without having any clarity in fixing minimum educational qualification for the post of computer instructor, petitioner was compelled to get out of service from 27.07.2013 to 06.04.2015 and thus, he lost his continuation of service from the year 2008. Therefore, the petitioner sent representation, dated 30.08.2021 to the respondents to provide continuation of service from the year 2008 and pay salary from 27.07.2013 to 06.04.2015, by considering his educational qualification at the time of initial appointment. But, the same is not considered till date.

4. Aggrieved by the same, the petitioner has come forward with the present writ petition.

5. The petitioner has given a representation, dated 30.08.2021 to the respondents and the competent authority is the fourth respondent. Hence, the fourth respondent is directed to consider the representation of the petitioner, date 30.08.2021 and pass orders on merits and in accordance with law within a period of 6 weeks from the date of receipt of a copy of this order.



W.P.(MD)No.2428 of 2022

WEB COPY 6. The writ petition stands allowed with the above direction. No costs.

15.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

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W.P.(MD)No.2428 of 2022

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