



W.P.(MD).No.4055 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4055 of 2021

and

W.M.P.(MD)Nos.3256 to 3258 and 5836 of 2021

S.Murugan

...Petitioner

Vs.

1.The Chief Educational Officer,
Pudukottai.

2.The District Elementary Educational
Officer,
Aranthangi,
Pudukottai District.

3.The Block Educational Officer,
Avudaiyarkoil,
Pudukottai District.

4.The Registrar,
Manonmaniyam Sundaranar University,
Tirunelveli District.

... Respondents

*(R4 is Suo Motu impleaded vide Court order dated 18.11.2022 in
W.P.(MD)No.4055 of 2021)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for records on the file of the 2nd respondent in connection with the impugned order of rejection passed in his proceedings in Na.Ka.No.3415/A3/2020 dated 18.02.2021 and quash the same and consequently direct the respondents to promote the petitioner to the post of B.T.Assistant (English) for the period 2016 and thereby grant all service and monitory benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

For R-1 to R-3 : Mr.M.Sarangan,
Additional Government Pleader

For R-4 : Mr.Mohammed Atiff

ORDER

This writ petition has been filed to quash the impugned order of rejection passed by the 2nd respondent in his proceedings in Na.Ka.No.3415/A3/2020 dated 18.02.2021 and consequently directing the respondents to promote the petitioner to the post of B.T.Assistant (English) for the period 2016 and thereby grant all service and monitory benefits.



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2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner joined as Secondary Grade Teacher in the respondent department on 29.10.2004 in Manamelakudi Union Middle School, Krishnagipattinam, Pudukottai District. The petitioner did his B.Lit., and M.A., degree before entering into service. Thereafter, with due permission from the 3rd respondent, he completed B.A.(English) from Manonmaniam Sundaranar University and B.Ed., from Annamalai University and the petitioner's qualification was duly verified and entered into service book. Pursuant to the same, his name was included in the seniority panel for promotion to the post of B.T.Assistant (English) by the 3rd respondent for the period as on 01.01.2016 and his name was included in serial No.4. While so, two vacancies in the post of Graduate Teacher (English) had arisen, one at Panchayat Union Middle School, Karur, and another at Avanam Perungudi. Despite the petitioner being an eligible person to be promoted in the year 2016, he was not promoted and hence, he made a detailed representation to the respondents on 28.10.2020. Since the same was not considered, he filed a writ petition in W.P.(MD)No. 18360 of 2020 and this Court was pleased to dispose of the same, by an order



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dated 14.12.2020, directing the 2nd respondent to consider and pass orders on the representation of the petitioner dated 28.10.2020. Pursuant to the same, the 3rd respondent issued show cause notice calling for explanation within three days in regard to the degree obtained by the petitioner, vide proceedings dated 02.02.2021. On receipt of the same, the petitioner duly submitted his detailed explanation on 05.02.2021. However, the 2nd respondent on receiving the petitioner's explanation had rejected his request on the ground that since permissions were given to do the degrees in B.A.(English), B.Sc., (Maths) and B.Sc (Physics) and the same had been entered into service book, the petitioner become ineligible for the post of Graduate Teacher. On the basis of which, the impugned proceedings in Na.Ka.No.3415/A3/2020 dated 18.02.2021 came to be passed. Challenging the same, the present writ petition came to be filed.

3. The learned counsel for the petitioner vehemently submitted that the entire crux and contents of the impugned proceedings are wrong in its particulars for the reasons that though the petitioner had sought permission for pursuing B.A.(English), B.Sc., (Maths) and B.Sc (Physics), during 2010-2011, he actually completed B.A.(English) one year course by undergoing a calender



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year course during the month of November 2010 and the petitioner had completed B.Sc.,(Maths) during May 2011. Since the validity of one year B.A., (English) course has been undermined by the Hon'ble Supreme Court, the petitioner further underwent B.A., (English) three years course during 2012 to 2014 calender years and had completed the same on November 2014. Though the petitioner obtained permission to pursue B.Sc., (Physics), he did not pursue the said course at all. However, in the impugned order, the entire particulars as to the various qualification availed by the petitioner has been stated incorrectly and the overlapping of courses as shown in the impugned order is erroneous. In view of the same, he pressed for quashing the impugned order by allowing this writ petition.

4. The learned Additional Government Pleader, Mr.M.Sarangan appearing for the respondents 1 to 3 submitted that the petitioner is not eligible for the promotion post of Gratuante Assistant because he had undergone 12 + 3 year degrees namely B.A. (Tamil), B.A. (English) three years, B.A.(English) one year degree, B.Sc., Maths one year simultaneously. Therefore, the department, vide proceedings dated 18.02.2021 rejected the petitioner's claim



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for promotion to the post of B.T. Assistant (English). That apart, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner had not completed TET examination. In view of the same, he is not entitled for promotion.

5. The 4th respondent University has filed a memo by acknowledging the fact that the petitioner had undergone B.A.English additional degree for a duration of one year during the month of January 2010 and the course was completed by November 2010. The said memo is recorded.

6. Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent and carefully perused the materials available on record.

7. A careful perusal of the impugned order would reveal that the contention of the learned counsel appearing for the petitioner is absolutely correct and the entire details of the petitioner's various degrees with respect to



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the duration of pursuing the various degrees as entered in the impugned order is incorrect. The petitioner has vehemently claimed for promotion only on the basis of the B.A.(English) degree (3 years course) which he pursued during the calendar year 2012 to 2014 from Manonmaniam Sundaranar University.

8. As far as the submissions of the learned Additional Government Pleader, the petitioner has not cleared TET, however, I am of the considered view that, the instant case stemmed up during the period of 2015 and in view of the same, such a mention is irrelevant to the facts and circumstances of this case. Had the respondents appreciated the petitioner's representation properly, he would have been automatically promoted during the year 2016 itself. Hence, this Court negated the contention of the learned Additional Government Pleader. In view of the same, I am of the considered view that the impugned order of rejection passed by the 2nd respondent 18.02.2021 has to be quashed necessarily. However, this is not a case of overlapping at all. The petitioner is claiming rights of promotion only by the strength of the three year B.A. (English) course which he had obtained.



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10. Accordingly, the impugned order of rejection dated 18.02.2021 is hereby quashed. I direct the respondents to promote the petitioner to the post of B.T.Assistant (English) from the period of 2016 and thereby grant of all monetary benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, I make it clear that the said promotion could be granted subject to the outcome of the Special Leave Petition in S.L.P. (CIVIL)No. 45649 of 2023 which is pending before the Hon'ble Supreme Court.

11. Accordingly, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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L.VICTORIA GOWRI, J.

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