



W.P.(MD)No.9332 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.9332 of 2023 &  
W.M.P.(MD)No.8367 of 2023

R.Dhanasekar  
Lecturer  
Tamil Nadu Government Polytechnic College  
Madurai

... Petitioner

VS.

1.The State represented by its,  
Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Chennai - 9.

2.The Directorate of Technical Education,  
O/o. Directorate of Technical Education,  
Guindy, Chennai - 25.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the G.O.(Ms)No.33, dated 13.02.2023 issued by the first respondent, quash the same as it is illegal and in consequence to direct the respondents to consider the petitioner for the post of the Head of Department / Polymer Technology, in the Tamil Nadu Government Polytechnic College, Madurai, in the existing vacancy.



W.P.(MD)No.9332 of 2023

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.T.Amjadkhan  
Government Advocate

### **ORDER**

Heard Mr.R.Surya Narayanan, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to G.O. (Ms)No.33, Higher Education (I2) Department, dated 13.02.2023 issued by the first respondent, quash the same and consequently direct the respondents to consider him for the post of the Head of Department / Polymer Technology in the Tamil Nadu Government Polytechnic College, Madurai, in the existing vacancy.

3. The petitioner whose service was regularized on 15.06.2006 as Lecturer in the second respondent, Directorate of Technical Education has filed this writ petition challenging the 'Nil' promotion panel approved



W.P.(MD)No.9332 of 2023

for the post of Head of Department / Polymer Technology through the Government Order in G.O.(Ms)No.33, Higher Education (I2) Department, dated 13.02.2023.

4. Mr.R.Suriya Narayanan, learned counsel appearing for the petitioner submitted that the petitioner is the person who is qualified for promotion to the post of Head of Department / Polymer Technology and in fact, he is holding the post of Lecturer (Head of Department i/c in Polymer) now.

5. There is no quarrel on the point that the post of Head of Department / Polymer Technology is filled up only through promotion and not through direct recruitment. The only reason for which, the petitioner was not included in the promotion panel to the post of Head of Department / Polymer Technology is due to his cross-major qualification in Under Graduate Degree in B.Tech. (Rubber Technology), but Post Graduate Degree in M.E. (Manufacturing Engineering).



W.P.(MD)No.9332 of 2023

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6. It is the submission of the learned counsel appearing for the petitioner that the Government Order in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018 was issued basing on the norms fixed by All India Council for Technical Education and as per the qualification criteria fixed in the said Government Order, the petitioner is qualified to the post of Head of Department / Polymer Technology in view of the fact that he has got Bachelor's Degree in B.Tech. (Rubber Technology) even though he has got Master's Degree in M.E. (Manufacturing Engineering).

7. Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents submitted that as per the Resolution No.247 of the Government Order in G.O.(Ms)No.270, Higher Education (J1) Department, dated 03.12.2019, M.E / M.Tech. in 'Rubber Technology Engineering' degree offered by Anna University is not equivalent to M.E. / M.Tech. in 'Manufacturing Engineering' degree offered by Anna University for the purpose of employment in Public Services. By citing the above Government Order, the learned Government Advocate submitted that the qualification of the petitioner is found to be not suiting



W.P.(MD)No.9332 of 2023

to the promotion to the post of Head of Department / Polymer Technology.

8. However, the learned counsel appearing for the petitioner submitted that the qualification prescribed in the Government Order in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018 would only suggest that the equivalent degree should be either in Under Graduate or in Post Graduate. Since the petitioner has got the Under Graduate degree in Rubber Technology and he has acquired Master's degree irrespective of the branch in which he has completed the same, he should be found eligible to the post of Head of Department / Polymer Technology as per the eligibility criteria in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018.

9. As stated already, it is reiterated that there is no direct recruitment for the post of Head of Department in Polymer Technology. The person who can hold the post of Head of Department in Polymer Technology can be recruited only through promotion and not otherwise.



W.P.(MD)No.9332 of 2023

The Government Order in G.O.(Ms)No.33, Higher Education (I2) Department, dated 13.02.2023 issued subsequent to the Government Order in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018 cannot be held against or read contrary to the qualifications prescribed in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018. Furthermore, the Government Order in G.O.(Ms)No.270, Higher Education (J1) Department, dated 03.12.2019 will be applicable for any fresh appointment that might be made by considering the qualification and the equivalent qualification as prescribed in the Government Order.

**10.** So far as the petitioner is concerned, he is already in service and the panel has to be prepared only in accordance with the qualification criteria contemplated in the Government Order in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018. The educational qualification prescribed for the post of Head of Department / Polymer Technology as per the Government Order in G.O.Ms.No.36, Higher Education (B1) Department, dated 13.02.2018, is as follows.



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W.P.(MD)No.9332 of 2023

"(2) in rule 5, -

*(a) for items (I), (II) and (III) and the entries relating thereto, the following items and entries shall respectively be substituted, namely:-*

*(I)(i) A Bachelor's and Master's Degree in the appropriate branch of Engineering / Technology / Architecture with First Class or equivalent either at Bachelor's or Master's Degree Level; and*

*(ii) Experience for a period of not less than 10 years in the relevant field of teaching / research / industry, in a position not below the rank of a Lecturer in Engineering Subjects, Workshop Superintendent and Superintendent (Sandwich) in a Polytechnic or equivalent grades in other institutions.*

*Provided that in the case of Architecture branch, professional practice of not less than 10 years as certified by the Council of Architecture shall also be considered valid*

*or*

*(II)(i) A Bachelor's and Master's Degree in the appropriate branch of Engineering / Technology / Architecture with First Class or equivalent either at Bachelor's or Master's Degree Level;*

*(ii) Ph.D. or equivalent obtained from a recognized University in the appropriate discipline in Engineering /*



W.P.(MD)No.9332 of 2023

*Technology / Architecture; and*

*(iii) Experience for a period of not less than 5 years in the relevant field of teaching / research / industry, in a position not below the rank of a Lecturer in Engineering Subjects, Workshop Superintendent and Superintendent (Sandwich) in a Polytechnic or equivalent grades in other institutions:*

*Provided that in the case of Architecture branch, professional practice of not less than 5 years as certified by the Counsel of Architecture shall also be considered as valid."*

11. There is no quarrel that the petitioner has got 10 years of working experience and he has got a Bachelor and Master degree. Even though the petitioner did not have both the degrees in Rubber Technology, which is fundamental qualification required for the feeder cadre, the petitioner can be found to be eligible for the post of Head of Department / Polymer Technology and he could have been added in the promotion panel for the year 2022-2023.



W.P.(MD)No.9332 of 2023

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12. In view of the above stated reasons, the writ petition is **allowed** and the Government Order in G.O.(Ms)No.33, Higher Education (I2) Department, dated 13.02.2023 is set aside and the respondents are directed to include the name of the petitioner in the promotion panel for the year 2022-2023 to the post of Head of Department / Polymer Technology by considering his qualification either in Post Graduate Degree or in Under Graduate Degree as equivalent and pass orders for promoting him to the post of Head of Department / Polymer Technology in the existing vacancy. No costs. Consequently, connected Miscellaneous Petition is closed.

27.06.2024  
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NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order

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W.P.(MD)No.9332 of 2023

To  
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- 1.The Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Chennai - 9.
- 2.The Directorate of Technical Education,  
O/o. Directorate of Technical Education,  
Guindy, Chennai - 25.



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W.P.(MD)No.9332 of 2023

R.N.MANJULA, J.

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W.P.(MD)No.9332 of 2023

27.06.2024  
(2/2)