



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE C.KUMARAPPAN**

**W.A(MD)Nos.340 and 341 of 2016
and
C.M.P(MD)Nos.2009 and 2011 of 2016**

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George,Chennai-600 009.
 - 2.The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road,
Chennai – 600 006.
 - 3.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Karur District.
 - 4.The Assistant Elementary Educational Officer,
Karur Union,
Karur District.
- ...Appellants/Respondents 1 to 4
in both W.As

.Vs.



W.A(MD)No.340 of 2016

1.R.Latha,
Headmistress(Secondary Grade),
Panchayat Union Middle School,
Thangaraj Nagar, Karur Union,
Karur District.

...Respondent/Writ Petitioner

2.K.Balamurugeshwari,
B.T.Assistant(Tamil), Panchayat Union Middle School,
N.Pudupalayam,
Karur District.

3.Amsavalli,
B.T.Assistant(Tamil),Panchayat Union Middle School,
Nochipalayam, Karur Union,
Karur District.

... Respondents/Respondents 5 and 6

W.A(MD)No.341 of 2016

1.R.Latha,
Headmistress(Secondary Grade),
Panchayat Union Middle School,
Thangaraj Nagar, Karur Union,
Karur District.

...Respondent/Writ Petitioner

2.Pavun,
B.T.Assistant(Tamil), Panchayat Union Middle School,
Periyakulathupalayam,
Karur Union,
Karur District.

3.Valarmathi,
B.T.Assistant(Tamil),Panchayat Union Middle School,



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Thirumukkalalore,
Karur Union,
Karur District.

... Respondents/Respondents 5 and 6

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent Act praying this Court to set aside the common order passed by this Court in W.P.Nos.12688 and 12689 of 2012, dated 22.04.2014.

For Appellants : Mr.D.Sadiq Raja
in both W.As' Addl.Govt.Pleader

For Respondent-1 : Mr.N.Shanmugaselvam
in both W.As'

For Respondents : No appearance
2 and 3 in both W.As'

COMMON JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

R.Latha, the first respondent in these two Writ Appeals is the Petitioner in W.P(MD)Nos. 12688 and 12689 of 2012. Both the Writ Petitions were allowed by a common order, dated 22.04.2014. Being aggrieved, the State has preferred these two Writ Appeals.



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2. Before advertizing to the merits of the grounds raised in these writ appeals, it is profitable to capitalize the back-ground of the case, which runs as below:

R.Latha, the first respondent/Writ Petitioner has completed her 11th standard in the year 1981. She pursued her education further and obtained a Pre-basic Teachers Certificate in the year 1982 and joined the service as Secondary Grade Teacher on 14.06.1984. She completed her probation and her service was regularised on 13.06.1986. Meanwhile, she obtained Secondary Grade Teacher Certificate in the year 1988. B.Lit degree was completed in the year 1991 and again she completed her Higher Secondary Course in the year 2009. She was promoted as Headmistress on 13.09.2004. She has also acquired M.A degree in the year 1999 and completed her M.Phil Course in the year 2011 and B.Ed degree in the year 2012. All her further educational qualifications were through correspondence and while in service. Her name was not included in the panel for promotion to the post of B.T.Assistant. Being aggrieved, she preferred W.P. (MD)No.12688 of 2012 seeking issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the District Elementary Educational Officer, Karur promoting her juniors, who were arrayed as respondents 5 and 6 and to place her



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above her juniors in the seniority list and to pay the salary and other monetary benefits. W.P(MD)No.12689 of 2012 was filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned proceedings of the District Elementary Educational Officer, Karur, dated 29.06.2012. The first Writ Petition was directed against the non-inclusion of her name in the panel for promotion to the post of B.T.Assistant and the second Writ Petition was directed against the promotion of her juniors. In sum and substance, both the Writ Petitions centered around her contentions that she being fully qualified, to be considered for promotion to the post of B.T.Assistant for the year 2012. Further, her name was excluded but juniors were promoted.

3.This Court, by common order, considering the submission of the State, stating that the Writ Petitioner does not possess the required 10+2+3 qualification(pattern of education) and her qualification and educational service are all through correspondence and private, her name cannot be included in the panel and further regarding promotion of the juniors, she contended that the length of service of the Petitioner, after being transferred to Karur District from Tiruppur, has been reckoned, particularly, the date on which she joined service in



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Karur District and she cannot take lien of all her past service which she has expressly relinquished, after getting District transfer. The learned Single Judge, on considering the elaborate arguments of the counsels had passed the following order:

“7. After elaborate arguments, the learned counsel for the petitioner produced the copies of the certificates obtained in the year 1981 (S.S.L.C); 1983 (Pre-Basic Teacher Certificate) and 1988 (Secondary Grade Teacher Certificate) respectively and submitted the case of the Petitioner could also be considered as she would also come under the 10+2+3 pattern.

8. In similar circumstances, this Court in K. Chandrasekaran and two others .vs. The Secretary to Government (W.P.Nos. 24495 to 24497 of 2012, decided on 10.09.2012) held as follows:

“4. The learned counsel for the Petitioners would bring to my notice the common order passed in a batch of Writ Petitions by the Honourable Ms. Justice K. Suguna in W.P.Nos. 25432 of 2011 and etc batch cases, dated 2.7.2012, wherein, the learned Judge after having considered elaborately all the above aspects, including the instruction



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impugned in these Writ Petitions, has held that the Teacher Training Course should be construed to be equivalent to Higher Secondary Course(+2) and therefore, through the Petitioners therein had not undergone Higher Secondary Course(+2), they will be entitled for promotion as B.T.Assistants, since the UG and B.Ed degrees obtaining by them after completing the Teacher Training Course is sufficient qualification for such promotion. In my considered opinion, the Petitioners who stand in the similar footing are also entitled for the same relief.

5.In view of all the above, the Writ Petitions are disposed of with a direction to the respondents to treat the Petitioners also eligible for promotion to the post of B.T.Assistants, provided, if they satisfy the other requirements and then, promote them accordingly. No costs. Consequently, Miscellaneous Petitions are closed.”

9.Upon perusal.....

10.In such view of the matter, the respondents 1 to 4 are



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directed to consider the seniority of the Petitioner in the light of the above said judgment of this Court and give notional promotion to the Petitioner above her juniors and pass appropriate orders fixing the seniority as well as the monetary benefits as indicated above within a period of six weeks from the date of receipt of a copy of this order.”

4.The learned Additional Government Pleader appearing for the State/appellants argued that the Writ Petitioner, who is the first respondent herein, was promoted as Headmistress(Secondary Grade), Panchayat Union Middle School based on her educational qualification and service and she is not eligible for promotion to the post of B.T.Assistant(Tamil), since the degree obtained by her in Open University is without undergoing +2 Course, is invalid and the Government Order referred to and relied on by the counsel for the first respondent/Writ Petitioner are not applicable to the facts of the case. However, the learned Judge has considered the +2 qualification obtained after getting degree in reverse pattern, is not permissible as per the Judgement passed in **W.A.No.805 of 2014, dated 06.08.2014.**

5.In response to the submission, the learned counsel for the first respondent



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submitted that no doubt, the Writ Petitioner passed the higher secondary course after obtaining degree and even without that qualification, she is fully eligible for consideration to the post of B.T.Assistant, since her S.S.L.C under the old pattern 11+1+3 was much prior to the obtaining of other certificates and degrees. While the State has accepted two year diploma course in Teacher Education as equivalent of Higher Secondary(+2), the Pre-Basic Teacher Training Certificate which is also a two year course, obtained by the Petitioner in the year 1981, is deemed to be a qualification of +2 and having accepted that qualification, for the post of Secondary Grade Teacher, there cannot be any impediment to consider her educational qualification for further promotion as B.T.Assistant.

6.The records reveals that the first respondent had been inducted to service in the year 1981. By that time, she is in possession of S.S.L.C Certificate after 11 years, and Pre-Basic Teacher Training Certificate of two years which was a sufficient qualification to be appointed as Secondary Grade Teacher. Her service was regularised and her probation was declared on 13.6.1986. She has opted for inter District transfer from Thriuppur to Karur and the same was accepted. She had joined in the cadre of Junior Grade Teacher at Karur District in the year



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1994 relinquishing her past service. Therefore her contention that her junior Pavun and Valarmathi, who were in service from 1990 cannot be promoted as B.T Assistant, without promoting her based on the length of her service, is not correct and unacceptable, since she has relinquished her past service while opting for inter district transfer, and the length of service would be reckoned from 1994.

7.However, at the same time, regarding her eligibility for consideration to the post of B.T.Assistant, the order passed in W.P(MD)No.12688 of 2012 to be set aside for the reason that her present educational qualification S.S.L.C., SERT., B.Lit., M.A., and M.Phil degrees undoubtedly satisfies the fundamental requirement of 10+2+3 pattern. It is to be noted that till 1978, in the State of Tamil Nadu, educational pattern was 11+1+3 and thereafter, higher secondary education was introduced and the pattern was altered into 10+2+3. The first respondent herein had completed her S.S.L.C under old pattern. It is also to be noted that the State Constituted a separate Directorate for Teacher Education in late 80s' and introduced diploma course in Teacher Education. Earlier, it was Teacher Training Course, offered by private educational institutions and



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certificate was issued by the Directorate of Teacher Education.

8.The Writ Petitioner herein has obtained Certificate from Directorate of Teacher Education and her educational qualification found to be fit and sufficient to appoint her as Secondary Grade Teacher in the year 1984. She cannot be expected to get Diploma in Teacher Education after a lapse of 20 years and deny her promotional prospects citing that she does not satisfy 10+2+3 pattern, however, she has completed her 11th standard and obtained her Pre-Basic Teacher Training Certificate, except one of Diploma in Teacher Education. This Court finds no other reason to deprive her prospect of further promotion and from the records, it is clear that she has certificate which is equivalent to diploma which was prevailing then in Teacher Education when she acquired the said qualification. To that extent, the relief sought for by the first respondent/Writ Petitioner is to be preserved and protected.

9.Accordingly, the Writ Appeals are disposed of, with a direction to the second respondent to consider the candidature of the first respondent/Writ Petitioner for her promotion as B.T.Assistant and pass appropriate orders based



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on her eligible seniority. There is no order as to costs. Consequently, connected
Miscellaneous Petitions are closed.

[G.J.,J.] [C.K.,J.]
04.01.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn



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DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN,J.

vsn

COMMON JUDGMENT MADE IN

W.A(MD)Nos.340 and
341 of 2016
and
C.M.P(MD)Nos.2009 and
2011 of 2016

04.01.2024