



W.P.(MD)No.9120 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.9120 of 2017

and

W.M.P.(MD).Nos.6942 & 6943 of 2017

K.Muthukutti

... Petitioner

Vs.

1.The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Chennai 600 006.

2.The District Elementary Educational Officer,
RMS Road, Madurai.

3.The Assistant Elementary Educational Officer,
Sedapatti,
Madurai District-625 527.

4. T.Dhanabackiam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Promotion Panel dated 26.04.2017 issued by the second respondent herein and quash the same in so far as it relates to the Post of B.T. Assistant (English) and consequently direct the second and the third respondent to place the petitioner ahead of the fourth respondent in the Promotion Panel to the post of B.T. Assistant and promote the petitioner within the time frame fixed by this Court.



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For Petitioner : Mr.J.M.Arvind Paulraj

For R-1 to R-3 : Mr.T.Amjad Khan,
Government Advocate

ORDER

This Writ Petition has been filed challenging the Promotion Panel dated 26.04.2017, issued by the second respondent, under which, the fourth respondent has been promoted as B.T. Assistant (English).

2. According to the petitioner, she ought to have been ranked in Serial No.1 in the Promotion Panel ahead of the fourth respondent for the post of B.T. Assistant (English).

3. However, as seen from the counter affidavit filed by the official respondents, which cannot be disputed, the following facts are known:

(a). The fourth respondent was initially appointed as the Secondary Grade Teacher on 19.01.2001 in Kottampatti Union and subsequently, transferred to Sedapatti Union on 16.03.2008. The fourth respondent had acquired the qualification of B.A. English in the year 2010 and she was included in the Panel



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for promotion to the post of B.T. Assistant (English) in the year 2010.

Therefore, she was promoted as B.T. Assistant (English) on 20.05.2010.

Admittedly, at the time of promotion in the year 2010, the qualification of B.A. English in one sitting was considered as the qualification for promotion as B.T. Assistant. By the proceedings dated 18.12.2008 of the Director of Elementary Education, certain guidelines were issued for preparation of seniority list of Promotion Panel. In Clause 6 of the said proceedings dated 18.12.2008, the Director of Elementary Education stated that, the persons, who had secured an additional degree of duration of one year, will be eligible for consideration for promotion to the post of B.T. Assistant. Therefore, the promotion given to the fourth respondent at the relevant point of time was as per the Rules.

4. Only, thereafter, in the year 2012, this Court, through its order dated 14.08.2012 in W.P.(MD).No.19631 of 2011, directed the official respondents not to recognize, both for appointment as well as for promotion, the dual degrees obtained by candidates after undergoing a course of duration of one year, as equivalent to a degree obtained after undergoing a course of a duration of three years. The aforesaid order is only prospective and this Court also did not stipulate that the order is retrospective. Therefore, as on the date, when the fourth respondent is promoted in the vacant post of B.T. Assistant on



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20.05.2010, the said promotion was given only as per the Rules. The order dated 14.08.2012 passed by this Court in W.P.(MD).No.19631 of 2011 referred to supra, will have an impact only for promotions made after 14.08.2012. With regard to the reversion of the fourth respondent to the post of Secondary Grade Teacher subsequent to her promotion as B.T. Assistant (English), which is also a ground raised by the petitioner in this Writ Petition, the same also does not deserve any merit for the following reasons:

(a). the fourth respondent was already promoted as per the directions issued by the Director of Elementary Education in his proceedings dated 15.11.2001, by which, the seniority was fixed and the fourth respondent, who has also been promoted, was subsequently reverted as the Secondary Grade Teacher for want of vacancy due to the upgrading of the existing middle school and she was placed first in the seniority list in the Promotion Panel for B.T. Assistant (English) and there is no error in it.

(b). As and when any vacancy arises in the category of B.T. Assistant (English), it will have to be given to the fourth respondent, as she was already promoted and reverted only for want of vacancy, as per the directions of the Director of Elementary Education and as per the general rules. The fourth



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respondent is not reverted to the post of Secondary Grade Teacher for any fault committed by her. Only due to the fact that there was no vacancy in the post of B.T. Assistant (English), she was reverted to the post of Secondary Grade Teacher due to the upgrading of the existing middle school.

5. For the foregoing reasons, the grounds of the challenge made in respect of the fourth respondent's promotion in the Promotion Panel to the post of B.T. Assistant (English) do not deserve any merit and accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

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ABDUL QUDDHOSE, J.

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