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W.A.(MD) No.1601 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A.(MD) No.1601 of 2024
and
C.M.P.(MD) No.12491 of 2024**

- 1.Government of Tamil Nadu,
Rep. by Secretary to Government,
Education Department, Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Joint Director of School Education,
(Secondary Education), DPI Compound,
Chennai - 600 006.
- 4.The Chief Educational Officer,
Tirunelveli District - 627 009.
- 5.The District Education Officer (In-charge),
Tirunelveli, Tirunelveli District.

... Appellants

Vs.

- 1.S.Kirubavathi
W/o.I.Jebastine



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2.The Correspondent,
Cathedral Higher Secondary School,
Palayamkottai,
Tirunelveli District - 627 002.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 01.09.2022 made in W.P.(MD) No.14011 of 2022.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader

For R1 : Mr.S.Gangai Amaran
for Mr.S.Veerapandi Selvaraj

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The State is on appeal aggrieved by the order of the Writ Court dated 01.09.2022 made in W.P.(MD) No.14011 of 2022, in and by which the Writ Court directed the State to approve the appointment of the first respondent herein with effect from 16.07.2012, namely, the date of her initial appointment.

2. The appellants had refused to recognize the appointment of the first respondent as B.T. Assistant in the second respondent School *vide* an



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order dated 26.09.2016 on the ground that she obtained a dual decree by undergoing a one-year course in Annamalai University, which is against the Judgment made in ***R.Thirunavukkarasu Vs. The State of Tamil Nadu, School Education, and others***, reported in **2012 (5) CTC 129** [rendered on 14.08.2012].

3. The Writ Court allowed the Writ Petition after referring to a Judgment of the Division Bench of this Court made in ***W.A.(MD) No. 1201 of 2017 [The State of Tamil Nadu and others Vs. The Secretary, Maipparai High School]***, wherein the impact of the Judgment in ***R.Thirunavukkarasu*** case referred to *supra* was considered by the Division Bench and the Division Bench observed as follows:

“12. Undoubtedly, the legal position pursuant to the decision of this Court in Thirunavukkarasu's case (supra) is that a dual decree obtained by a candidate, upon undergoing a course of the duration of one year cannot be equated to a degree obtained after undergoing a course of the duration of three years.

13. Having said so, the decision in Thirunavukkarasu's case has been rendered on 14.08.2012 and would apply only in respect of appointments made thereafter. The application of the ratio thereof is thus prospective. It certainly cannot affect the appointment of Mrs.Meena made as early



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as on 08.03.2010, particularly since her service has been utilized for more than eight years as on date and six year as at the time of disposal of the writ petition.”

4. The Judgment in **R.Thirunavukkarasu** case referred to *supra* was rendered on 14.08.2012. But the first respondent was appointed on 16.07.2012, i.e., before the Judgment in **R.Thirunavukkarasu**. Therefore, the first respondent cannot be said to have suffered lack of qualification on the date of her appointment.

5. In view of the same, this Writ Appeal fails and is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

R.S.M., J.

S.M., J.

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Index: No
Neutral Citation: No
Speaking Order

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