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W.P.No.23557 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.23557 of 2019
and WMP.Nos.23376, 23378 and 23382 of 2019

R.Aliya Jabeen

.. petitioner

vs

1.The Director of School Education
College Road,
Egmore, Chennai.

2.The Joint Director of School Education
(Higher Education)
College Road,
Egmore, Chennai.

3.The Chief Educational Officer
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned proceedings No.NIL relating to promotion panel for the promotion to the post of PG Assistant published by the 2nd respondent in its website during May 2019 and quash the same in so far as non inclusion of the petitioner's name and consequently direct the respondents to include the petitioner's name in the promotion panel for the PG Assistant (Tamil).



For Petitioner : Mr.N.Balamuralikrishnan

For Respondents : M/s.A.Bakkiyalakshmi, GA.

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ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the records.

2. The case of the petitioner in brief is that she was on completion of her graduation BA (Tamil) was appointed as BT Assistant (Tamil) in the year 2004; that when the panel for promotion to PG Assistant was prepared in the year 2018 wherein 332 BT Assistants were empanelled, the petitioner's name was included at Sl.No.254; that however, as no promotions were effected to the post of PG Assistant, the aforesaid panel had lapsed; and that however, in the panel prepared for the year 2019, the petitioner name was excluded from being considered for promotion to the post of PG Assistant (Tamil), even though the petitioner had completed MA(Tamil), after completing the Bachelor degree in Tamil during May 1997.

3. It is the further case of the petitioner that after completing the basic graduation degree, the petitioner though got herself enrolled for pursuing Master degree in Distance Education mode in Annamalai University, on 2/10



securing admission into B.Ed course for the academic year 1998-1999, the petitioner did not pursue the PG degree through Distance mode, it is only after completing the B.Ed course which was of one year duration, the petitioner reactivated her enrolment with Annamalai University for pursuing Master Degree (i.e,) MA(Tamil) and wrote examination conducted by the respective University during December 1999, May 2000 and May 2001 and obtained PG degree in the year 2001.

4. Petitioner contended that the respondents without considering the fact that though the petitioner had enrolled in the year 1998, but pursued the PG course only during Academic year 1999-2001, could not have considered, the petitioner as having pursued the B.Ed and PG degree simultaneously and on said ground having for not considered the petitioner for being promoted to the PG Assistant by including her name in the panel of the year 2019 which action it is contended is highly illegal and arbitrary.

5. In support of the aforesaid contention reliance is placed on the decision of this Court in ***WA.No.3102 of 2024 dated 20.11.2024 – Teachers Recruitment Board, Chennai V. S.Anusaya and others.***



6. Counter affidavit on behalf of the respondents is filed.

7. *Per contra*, the learned Government Advocate appearing on behalf of the respondents relying upon the contents of the counter affidavit contended that as per the records, petitioner studied B.Ed during the academic year 1998-1999 and also joined Master degree MA(Tamil) during the same academic year (i.e.,) 1998-1999 and hence, the petitioner completed B.Ed and MA simultaneously, and is thus contrary to GO.Ms.No.65 dated 02.07.2014 and as such the petitioner is not eligible for inclusion in the PG Assistant panel for the year 2019-2020.

8. The learned Government Advocate further contended that since, the petitioner obtained two different degrees in the same period, the petitioner is not entitled for being considered for promotion in the panel year 2019 as held by this Court in WP.No.26275 of 2014 dated 12.11.2014, contending as above, the learned Government Advocate seeks for dismissal of the writ petition.

9. I have taken note of the respective contentions urged.



10. By GO.Ms.No.65, amendment has been made to general rules in Part II of Tamil Nadu Subordinate State and Subordinate Service Rules w.e.f. 18.08.2009 in particular to Rule 19 of the said rules. By the said amendment, it is stated that in cases where special rules prescribe a diploma or a degree or a Post Graduate degree as a qualification for appointment, the postgraduate degree is to be obtained in the manner mentioned therein. The relevant portion of the Rule reads as under :-

“a.

b.

c. a post graduate degree obtained, after completion of SSLC., Higher Secondary and a degree (10+2+3+2 or 3) from any University or institution, recognised by the University Grants Commission mentioned in Schedule II to this part shall be recognised as the qualification.”

11. Admittedly, the petitioner on completing her studies in 10+2+3 pattern (i.e.) SSLC + HSC and obtaining B.Lit (Tamil) a 3 year degree course, was appointed as BT Assistant (Tamil).



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12. After completion of academics in 10 + 2 + 3 pattern, the petitioner secured admission in B.Ed during the academic year 1998-1999 while enrolling herself for PG through Distance Education in Annamalai University. However, the petitioner after getting herself enrolled with the Annamalai University Distance Education mode did not choose to pursue the Distance Education mode during 1998-1999 as she had secured admission for B.Ed and completed the course in the Academic year 1998-1999. It is only after the completing her B.Ed course during the Academic year 1998-1999, the petitioner pursued her Master degree (i.e,) MA (Tamil) for which she obtained enrolment. Earlier in the Academic year 1999-2000 onwards and completed the same during the year 2000-2001. Thus, the petitioner after completing her graduation course 10 + 2 + 3 pattern secured her B.Ed degree during Academic year 1998-1999 and Master degree MA(Tamil) during the year 1999-2001.

13. Thus, the stand of the respondent in the counter affidavit that the petitioner having studied B.Ed and also having joined Master degree during the same academic year being the reason making her ineligible for inclusion in the panel to the post of PG Assistant panel of the year 2019-2020 and also



being contrary to GO.Ms.No.65 dated 02.07.2014, cannot be accepted as valid justification.

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14. It is to be noted that at the relevant point of time Annamalai University offered various graduation and Post Graduation courses of different Academic course periods through Distance Education mode which required only enrolment and did not require the course to be completed within the academic course period of the respective courses and allowed the candidate to take examination and obtain graduation or post graduation beyond the academic course period.

15. Thus, merely because the petitioner having enrolled herself for MA degree programme during the year 1998-1999 but not having pursued the course during the said year and in fact having pursued the course after she clearing the B.Ed degree in the academic year 1998-1999 i.e., from the year 1999 onwards, it cannot be construed or considered as petitioner having pursued two courses (i.e) one year B.Ed course and PG course for two years during the period 1998-1999 for the respondent not to include the name of the petitioner in the eligible list of candidates in the panel of 2019-2020 to the post of PG Assistant.



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16. It is also to be noted that the respondents having found the petitioner as eligible to be included in the panel year 2018 from 01.01.2018 cannot be allowed to alter their position in the subsequent panel year 2019-2020 commencing from 01.01.2019.

17. Accordingly, the writ petition is allowed, the respondents are directed to include the name of the petitioner to the post of PG Assistant panel for the year 2019, within a period of six (6) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

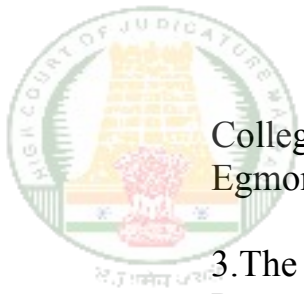
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To

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2.The Joint Director of School Education
(Higher Education)

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3. The Chief Educational Officer
Ramanathapuram,
Ramanathapuram District.

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