



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P Nos.25948 & 25951 of 2019

and

WMP.No.25398 & 25399 of 2019

A.M.Maheswari,
W/o R.Annamalai,
5/119, Eastern Garden,
Sangampalayam, Alathur Post,
Avinashi Taluk,
Tirupur District.

...

Petitioner in W.P.25948/2019

Vs.

- 1.The Director,
School Education Department,
Directorate of School Education,
DPI Compound,
Chennai 600 006.
- 2.The Joint Director,
School Education Department,
Direcorate of School Education
DPI Compound,
Chennai 600 006.
- 3.The Chief Educational Officer,
Office of the Chief Education Officer,
Tirupur 641 304.
- 4.The Head Master,
Government High School,
Kanurpudur,
Coimbatore District.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue

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a Writ of Certiorari Mandamus to call for the entire records in impugned proceedings in Oo.Mu.No.24033/C2/E1/2019 dated 16.07.2019 on the file of the 2nd respondent quash the same, consequently directing the respondents to promote the petitioner from secondary grade teacher to B.T. Assistant (Science) with effect from 12.07.2010 on par with other juniors with attendant benefits within a stipulated period of time as fixed by this Court.

In WP.25947 of 2019

K.Sivakumar,
S/o P.Kulasekaran,
No.1,2nd North Street,
Pachapatty Main Road,
Salem-636 001.

...

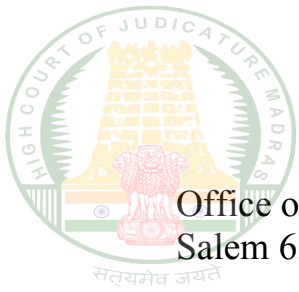
Petitioner in WP.25951/2019

Vs.

1.The Director,
School Education Department,
Directorate of School Education,
DPI Compound,
Chennai 600 006.

2.The Joint Director (Personnel),
School Education Department,
Directorate of School Education
DPI Compound,
Chennai 600 006.

3.The Chief Educational Officer,



Office of the Chief Education Officer,
Salem 636 001.

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4. The Head Master,
Government Boys Higher Secondary School,
Jalakandapuram 636 501,
Salem District.

5. The Head Master,
Municipal Girls Higher Secondary School,
Pavadi, Salem 636 001. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the entire records in impugned proceedings in Oo.Mu.No.24033/C2/E1/2019 dated 16.07.2019 on the file of the 2nd respondent quash the same, consequently directing the respondents to promote the petitioner from secondary grade teacher to B.T. Assistant (Science) with effect from 12.07.2010 on par with other juniors with attendant benefits within a stipulated period of time as fixed by this Court.

In both WPs.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mrs.P.Rajarajeswari, Govt. Advocate

COMMON ORDER



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Heard Mr.R.Ezhilarasan, learned counsel for the petitioner,
Mrs.P.Rajarajeswari, learned Government Advocate for respondents and perused
the materials available on record.

2. These writ petitions have been filed challenging the impugned proceedings of the 2nd respondent passed in Oo.Mu.No.24033/C2/E1/2019 dated 16.07.2019 and consequently to direct the respondents to promote the petitioners from secondary grade teacher to B.T. Assistant (Science) with effect from 12.07.2010 on par with the other juniors with attendant benefits within a stipulated period of time as fixed by this Court.

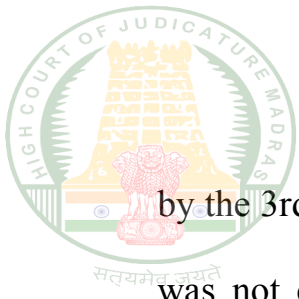
3. The limited contention of the learned counsel for the petitioners is that both the petitioners were eligible to be promoted to the post of B.T. Assistant (Science) from the post of Secondary Grade Teacher as on 12.07.2010 on par with their juniors. According to the petitioners, the 4th respondent has recommended their promotion in the month of December 2009 and the same was kept pending for more than 9 years. However, the request of the petitioners was rejected on 16.07.2019 through the impugned order.



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4. The petitioner in W.P.25948/2019 had BSc. Degree in applied Chemistry and completed the course of Bachelor of Education in the month of December 2008. She was originally appointed as a Secondary grade teacher from 08.01.1999 to 24.07.2005 in the Government High School, Thivansapudur, Pollachi and then she was transferred to Kanurpudur, Coimbatore and working there as Secondary grade teacher from 27.05.2005. The petitioner is eligible to the post of B.T. Assistant (Science) and her name was recommended by the 4th respondent to the 3rd respondent by letter dated 21.12.2009. The same was not considered and the 1st respondent has preferred a panel list for B.T. Assistant (Science) promotion as on 01.01.2010 without including the name of the petitioner.

4.1. The petitioner in WP.25951/2019 had BSc. Degree in applied Chemistry and completed the course of Bachelor of Education in the month of June 2009. He was originally appointed as a Secondary grade teacher from 31.01.2001 to 04.01.2005 in the Government Higher Secondary School, Jalakandapuram and thereafter he was transferred to Pavadi, Salem and was working there as a Secondary grade teacher from 02.08.2010. The petitioner is eligible to the post of B.T. Assistant (Science) and his name was recommended



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by the 3rd respondent to the 2nd respondent by letter dated 30.12.2009. The same was not considered and the 1st respondent has preferred a panel list for B.T. Assistant (Science) promotion as on 01.01.2010 without including the name of the petitioner.

4.2. So the petitioners have given representations once again on 11.06.2019 to the 1st respondent seeking promotion on par with their juniors who were promoted in the year 2010. The 1st respondent without considering thier claim had chosen to reject the same. At the time when the promotion panel was drawn as on 01.01.2010, the petitioners' degree in applied Chemistry has not been recognised as equivalent to BSc. Chemistry. The Government Order approving equivalence has been passed only on 24.04.2019 vide G.O.Ms.No.65 , Higher Education (K2) Department, Dated 24.04.2019.

5. It is submitted that whenever equivalency is given, it would relate back to the date of issuance of the decree. In this regard, a reference was made to the judgement of the division bench of this Court held in *Nadar Thanga Shubha Laxman Vs. The State of Tamil Nadu & Another* reported in *CDJ 2014 MHC 1473* wherein the Division Bench has held as under:



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"24. It must be stressed here that fairness demands that no court can afford to have more than one view on one or the same issue; lest, there will be inconsistency. Consistency and Uniformity are the basic virtues inherent in every court proceedings. The law is meant to protect people from inconsistency bred by any legal confusion and confrontation. When two of the learned single Judges' orders have not been addressed nor over-ruled on the vital point, we are duty-bound to iron out the inconsistency to have uniformity and consistency on the issue involved. To uphold the 'one court-one view' principle, in turn, to restore the consistency and uniformity, we hereby hold that the view taken in Geetha's case is incorrect, therefore, it is over-ruled.

*25. In view of the above settled position and for the foregoing reasons, we hold that the equivalence certificate issued by the committee constituted by the Government declaring that the degrees obtained from one University is equivalent to the degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right from the date of issuance, therefore, with due respect to the Hon'ble Division Bench, the view taken in *N.Geetha's* case is incorrect. Accordingly, the reference is answered."*

6. However, the Government Order in G.O.Ms.No.65, Higher Education (K2) Department, Dated 24.04.2019 does not state about the date from which the equivalence will be given effect. As per the legal position settled in this aspect, the equivalence has to be given effect from the date of issuance of the degree certificate. The petitioners claim that their entitlement to promotion to the post of B.T.Assistant [Science] would also relate back to 2009 and they were qualified



for promotion from the year 2010.

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7. The learned Government Advocate for the respondents submitted that in the absence of any government order or Rule which explicitly mentions that the equivalence has to be given to any graduation in one discipline to the other discipline, the validity can be attached only from the date of giving the approval and hence, it should be presumed that the validity of equivalence would relate back to the date of issuance of the degree certificate. The petitioners' name have not been included in the promotion panel for the academic year 2009-2010 due to the issue revolving equivalence in degree and the same has been resolved by the subsequent issuance of the government order in G.O.Ms.No.65, Higher Education (K2) Department, dated 24.04.2019.

8. In the result, these Petitions are **allowed** and the impugned proceedings dated 16.07.2019 passed by the 2nd respondents in Oo.Mu.No.24033/C2/E1/2019 is set aside and the first respondent is directed to consider the promotion of the petitioners to the post of B.T. Assistant (Science) notionally with effect from when the date on which they acquired the equivalent degree and grant monetary benefit from the date when they are actually given with the promotion. No costs.



Consequently, the connected Miscellaneous Petitions are closed.

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21.02.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs

To

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School Education Department,
Directorate of School Education,
DPI Compound,
Chennai 600 006.

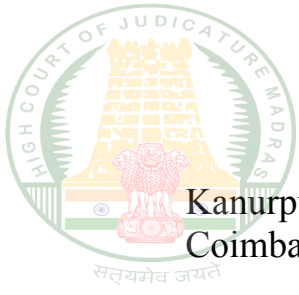
2.The Joint Director,
School Education Department,
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R.N.MANJULA, J.
jrs

3.The Chief Educational Officer,
Office of the Chief Education Officer,
Tirupur 641 304.

4.The Head Master,
Government High School,

9/10



Kanurpudur,
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Office of the Chief Education Officer,
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