



W.P.(MD)No.14780 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14780 of 2022
and
W.M.P.(MD).No.10569 of 2022

B.Banumathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Additional Chief Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai 9.

2.The Commissioner of Adi Dravidar Welfare,
Ezhilagam, Chennai 5.

3.The District Adi Dravidar and Tribal Welfare Officer,
O/o. the District Adi Dravidar and Tribal Welfare Office,
Virudhunagar District.

4.E.Vellathurai

5.M.Rubeeswaran

6.V.Mohan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. T/21994/2016 dated 06.04.2017 and the impugned order in Na.Ka.No. O3/9065/2017 dated 03.07.2017 and the consequential impugned order in Na.Ka.No.T2/27926/2019 dated 26.08.2020 on the file of the Respondent No. 3 and quash the same as illegal and consequently for a direction, directing the Respondent No.3 to grant promotion to the petitioner in the post of B.T. Assistant Mathematics / B.T. Matron with effect from 03.07.2017 with all consequential benefits with the time period stipulated by this Court.

For Petitioner	: Mr.S.Rajasekar
For R-1 to R-3	: Mr.A.Baskaran, Additional Government Pleader
For R-4	: Mr.H.Mohammed Imran, M/s. Ajmal Associates
For R-5 & R-6	: No Appearance

ORDER

This writ petition has been filed challenging the impugned Seniority Panel and the consequential impugned orders.

2. The petitioner's grievance in this writ petition is that respondent Nos.4 to 6 are not eligible to be promoted to the post of B.T. Assistant / B.T.Matron, since they have obtained simultaneous degrees i.e., they have obtained the Undergraduate degree as well as the B.Ed., qualification simultaneously.



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3. A counter-affidavit has been filed by the official respondents denying the contentions of the petitioner. According to them, the Seniority Panel was prepared in the year 2017, but the petitioner did not raise any objection with regard to the same immediately thereafter and raised objections only in the year 2019. Therefore, on the ground of laches, this writ petition is not maintainable. They have also contended that, only in accordance with the Seniority Panel, respondent Nos.4, 5 and 6 were duly promoted to the post of B.T. Assistant (Mathematics) / B.T. Matern and therefore, according to the official respondents, the promotion granted to respondent Nos.4 to 6 ahead of the petitioner is only in accordance with law.

4. The fourth respondent has also filed their counter denying the contentions of the petitioner and would submit that, the fourth respondent being a senior to the petitioner and since at the relevant point of time, simultaneous degrees obtained by any employee is legally permissible, he has been rightly promoted to the post of B.T. Assistant (Mathematics) ahead of the petitioner.

5. Respondent Nos.5 and 6 have been duly served notice in this writ petition and they have chosen not to enter into their appearance in this writ petition and the names have also been printed in the cause list today. Hence, they are set *ex parte* by this Court.



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6. It is also the case of the fourth respondent that the petitioner also possesses dual degrees i.e., B.Ed and B.A., (English).

7. The learned counsel for the petitioner drew the attention of a Full Bench Judgment of this Court dated 26.04.2021 rendered in ***W.P.Nos.2807 of 2014 etc., batch*** in the case of ***R.Chitra Vs. Member Secretary, Government of Tamil Nadu, Teachers Recruitment Board, 4th Floor, EVK Sampath Maligai, DPI Compound College Road, Chennai-6 and others.*** Relying upon the said decision, the learned counsel appearing for the petitioner would submit that two degrees (dual degrees) obtained simultaneously during the same academic year cannot be considered for promotion.

8. The learned counsel appearing for the fourth respondent would submit that the aforesaid Full Bench decision has no applicability to the case of the fourth respondent, since the said judgment is only prospective and is not retrospective. Since respondent Nos.4 to 7 were promoted in the year 2017 itself, the Full Bench decision dated 26.04.2021 relied upon by the learned counsel appearing for the petitioner has no applicability to the fourth respondent's case.



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9. The learned counsel appearing for the fourth respondent also submits that, on the ground of laches as well, this writ petition is not maintainable. He submits that the fourth respondent having been promoted in the year 2017 itself, within a reasonable period, the petitioner ought to have initiated legal proceedings, challenging the promotion of respondent Nos.4 to 6 ahead of the petitioner. In support of the said contention, the learned counsel appearing for the fourth respondent also drew the attention of this Court to the decision of the Hon'ble Supreme Court in the case of ***P.S.Sadasivaswamy Vs. State of Tamil Nadu*** reported in ***(1975) 1 SCC 152***. Relying upon the aforesaid decision, the learned counsel appearing for the fourth respondent would submit that a person aggrieved by an order of promoting a junior over his head should approach the Court within six months or at the most a year of the promotion, though under Article 226 of the Constitution of India, there is no period of limitation for the High Court to exercise its power.

10. Admittedly, in the case on hand, the fourth respondent was promoted to the post of B.T. Assistant (Mathematics) in the year 2017 itself. However, the petitioner has made a representation to the respondents questioning the fourth respondent's promotion on the ground that the fourth respondent is not eligible, since he is possessing dual degrees only in the year 2019. The same has been rejected under the impugned orders. A representation given by the



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petitioner even according to the petitioner questioning the promotion given to the fourth respondent ahead of the petitioner was given only in the year 2019, i.e., after the period of more than two years from the date when the fourth respondent was promoted to the post of B.T. Assistant.

11. In the decision relied upon by the learned counsel appearing for the fourth respondent in *P.S.Sadasivaswamy's case*, the Hon'ble Supreme Court though did not fix in strict terms that a person aggrieved by an order of promoting the junior should approach the Court within a fixed limited period, this Court after giving due consideration to the said observations made by the Hon'ble Supreme Court that a person aggrieved by an order of promoting the junior over his head, should approach the Court atleast within six months at the most in the year of promotion, is of the considered view that a person questioning the promotion will have to approach this Court within a reasonable period. In the case on hand, for a promotion granted to the fourth respondent in the year 2017, the petitioner has approached this Court through this writ petition only in the year 2022 i.e., after a period of almost five years from the date when promotion was granted to the fourth respondent by applying the guidelines given by the Hon'ble Supreme Court in the decision relied upon by the learned counsel appearing for the fourth respondent in *P.S.Sadasivaswamy's case*. This



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Court is of the considered view that the petitioner has approached this Court belatedly and therefore, this writ petition has to be dismissed on the ground of laches as well.

12. It is also to be noted that the petitioner has also obtained simultaneous degrees, namely, B.Ed., and B.A., (English) between the period 2008-2012. It is also not the case of the petitioner where only after completion of B.A., degree, she completed B.Ed., qualification. The Full Bench decision relied upon by the learned counsel appearing for the petitioner is only prospective in nature, since the fourth respondent was promoted in the year 2017 itself. The Full Bench decision relied upon by the learned counsel appearing for the petitioner pertaining to the dual degrees is dated 26.04.2021 and has no applicability to the case on hand. Therefore, both on the ground of laches as well as on merits, this Court is not inclined to entertain this writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, the miscellaneous petition is closed.

04.11.2025

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



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To

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State of Tamil Nadu,
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- 2.The Commissioner of Adi Dravidar Welfare,
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- 3.The District Adi Dravidar and Tribal Welfare Officer,
O/o. the District Adi Dravidar and Tribal Welfare Office,
Virudhunagar District.



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ABDUL QUDDHOSE, J.

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