

(2013) 08 MAD CK 0060

In the Madras High Court

Case No : Writ Petition No. 23595 of 2013 and M.P. No. 1 of 2013

K.P. Suguna

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 27-08-2013

Acts Referred:

Citation : (2013) 08 MAD CK 0060

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : R. Saseetharan, for the Appellant; V. Subbiah, Spl. G.P., for the Respondent

Final Decision : Allowed

Judgement

D. Hariparanthaman, J.—With the consent of both parties, the Writ Petition itself is taken up for final disposal, as the matter lies in narrow compass. Heard both sides.

2. The petitioner passed SSLC examination and took Telugu as a first language in SSLC. She underwent two years Diploma in Teacher Education

through Telugu medium. She was appointed as Secondary Grade Teacher at Panchayat Union Primary School-Telugu Medium in Kelamangalam

Panchayat Union, Krishnagiri District. She passed B.A. Degree in 1997. She passed B.Ed., examination in December 2008. She was promoted

as Primary School Headmaster in June 2003.

3. The petitioner was promoted as B.Ed., Middle School Headmaster (Telugu Medium) by an order dated 20.5.2010 in Anumanthapuram, Hosur

Panchayat Union. However, on 22.7.2011, she was reverted to the post of Primary School Headmaster for want of vacancy. Since the Middle

School in Hosur Panchayat Union was upgraded as High School, the same resulted in her reversion.

4. The petitioner has no grievance for reverting her at that point of time. But, when a panel for promotion to the post of Middle School Headmaster

in Telugu Medium was made as on 1.1.2013, the name of the petitioner was not included due to the proceedings dated 13.9.2011 of the second

respondent and more particularly paragraph 22 of the aforesaid proceedings. She has filed this Writ Petition challenging the proceedings dated

13.9.2011. Paragraph 22 of the aforesaid proceedings dated 13.9.2011 states that if a Teacher failed to pass +2 course, he is not eligible for

promotion to the post of Middle School Headmaster as well as for the post of B.T. Assistant.

5. Paragraph 22 of the proceedings dated 13.9.2011 is extracted hereunder:

VERNACULAR (TAMIL) PORTION DELETED

6. The petitioner has filed this Writ Petition to quash the aforesaid proceedings in Na. Ka. No. 12118/T1/2011 dated 13.9.2011 of the second

respondent and for a direction to the respondents to treat the Diploma in Teacher Education acquired by the petitioner as equivalent to +2

examination and include the name of the petitioner at the appropriate place in the panel prepared as on 1.1.2013 for the post of B.Ed Middle

School Headmaster for Hosur Panchayat Union and for a consequential direction to the respondents to promote the petitioner as B.Ed Middle

School Headmaster with service and monetary benefits.

7. This Court has already quashed the proceedings of the second respondent dated 13.9.2011 in Writ Petition Nos. 28100 and 28101 of 2012 by

order dated 17.10.2012 (R. Venkatachalamurthy vs. Government of Tamil Nadu, rep. by Secretary to Government, School Education

Department, Fort St. George, Chennai and others). Paragraph 3 of the order dated 17.10.2012 is extracted hereunder:

3. Mr. R. Saseetharan, learned counsel appearing for the petitioners would submit that +2 course should be considered equivalent to Diploma in

Teacher Education. Admittedly, the petitioners have got Diploma in Teacher Education after completing 10th Standard. After completing Diploma

in Teacher Education, they had undergone 3 years Degree course. Thus, according to the petitioners, they are eligible for promotion to the post of

Middle School Headmaster. In this regard the learned counsel has produced a copy of the order passed by this Court in a batch of Writ Petitions

in W.P. Nos. 25432/2011 batch in M. Valarmathi v. State of Tamil Nadu and others wherein by the order dated 2.7.2012, while considering the

very same question, a learned Judge has taken a view that the Diploma in Teacher Education course should be equated to +2 course. Therefore,

those who have studied 10th Standard and then Diploma in Teacher Education and thereafter, 3 years Degree course are eligible for promotion,

provided they have got B.Ed., degree also. The petitioners do have the said qualification. Therefore, the petitioners are also entitled for such

promotion.

In view of the above, the Writ Petition is allowed and paragraph 22 of the proceedings issued in Na. Ka. No. 12118/T1/2011 dated 13.9.2011

by the second respondent is quashed insofar as the petitioner is concerned and a direction is issued to the respondents to include the name of the

petitioner in the panel for promotion to the post of Middle School Headmaster (Telugu Medium) as on 1.1.2013 at the appropriate place and

promote her as Middle School Headmistress from the date on which her immediate junior was promoted, within a period of six weeks from the

date of receipt of a copy of this order. No costs.