

(2014) 04 MAD CK 0205
In the Madras High Court
Case No : W.P. No. 27545 of 2011

P. Muthukumaran

APPELLANT

Vs

The Director of Elementary Education, Chennai, The District
Elementary Educational Officer, Villupuram and The Assistant
Elementary Educational Officer, Thiruvannainallur

RESPONDENT

Date of Decision : 23-04-2014

Acts Referred:

Citation : (2014) 04 MAD CK 0205

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Final Decision : Allowed

Judgement

T. Raja, J.—Mr. P. Muthukumaran, S/o Pandurangan has filed W.P. No. 27545 of 2011 and Mr. A.Palani, S/o Ariyaputhiran has filed W.P. No. 27560 of 2011 challenging the impugned proceeding issued by the second respondent-District Elementary Educational Officer, Villupuram in Na.Ka.No. 4525/A3/2011 and Na.Ka.No. 4765/A3/2011 respectively dated 7.10.2011, to quash the same with a consequential direction to the respondents to promote them as Tamil Pandits and fix their seniority over and above the petitioners' immediate juniors.

2. Learned counsel for the petitioners stated that Mr. P.Muthukumaran, the petitioner in W.P. No. 27545 of 2011, after completing the X standard during March, 1980, completed the Diploma in Teacher Training course in the year 1986. Based on the said qualification, he was appointed as Secondary Grade Teacher on 26.12.1989 at Panchayat Union School, Pudhukalani and thereafter, he was promoted as Panchayat Union Primary School Headmaster on 28.6.2006. Again the petitioner completed his B.Litt. Degree on 28.1.2010 and was awaiting promotion to the post of B.T. Teacher. Similarly, Mr. A.Palani, the petitioner in W.P. No. 27560 of 2011, after completing the X standard during March, 1986, completed the Diploma in Teacher Training course in the year 1988 and based on the said qualification, he was also appointed as Secondary Grade Teacher on

26.12.1989 at Panchayat Union Middle School, Thenpalai. Thereafter, he completed the B.A., and B.Ed. Courses on 6.3.95, M.Ed. Course on 6.3.97 and the M.A., course on 8.12.98. Subsequently, he was promoted as Panchayat Union Primary School Headmaster on 25.7.2007. Again the petitioner completed the M.Phil course on 4.11.2009 and was awaiting promotion to the post of B.T. Teacher. Therefore, it is the case of the petitioners that when they were appointed as Secondary Grade Teachers based on the qualification of Diploma in Teacher Training course, after their appointments, the other persons who had completed the Teacher Training course after passing the Higher Secondary Course (+2) were recruited and they were given seniority below the petitioners. As a matter of fact, the panels for promotion are prepared based on the date of appointment as Secondary Grade Teachers and on the basis of the seniority maintained in the post of Secondary Grade Teacher, the incumbents are promoted as Primary School Headmasters. Moreover, when the Government had already fixed the minimum qualification to join the Diploma in Teacher Training course as X standard, subsequently, the passing of the Higher Secondary Course (+2) has been fixed as the minimum qualification. But the petitioners, after completing the X standard in March, 1980 and March, 1986 respectively, obtained the Diploma in Teacher Education certificates in the year 1986 and 1988 respectively. Since the said Diploma in Teacher Education certificate is equivalent to the Higher Secondary Course (+2), accepting the said qualification only, the respondents have appointed them as Secondary Grade Teachers on 26.12.1989. Moreover, the petitioners acquired the higher qualifications viz., B.Litt., or B.A. B.Ed., M.A. M.Ed., M.Phil respectively only on the basis of the minimum qualification which they possessed earlier viz., X standard with Diploma in Teacher Education course, which is equivalent to Higher Secondary Course (+2). Therefore, having possessed the requisite qualification, the petitioners names should have been included in the panel of the year 2011 for promotion to the post of B.T. Tamil Pandits. But the second respondent failed to promote the petitioners.

3. The refusal of the second respondent is against the circular issued by the Director of Elementary Education dated 13.9.2011 bearing Na.Ka.No.12118/T1/2011, which says that the Diploma in Teacher Education certificate should be treated as equivalent to Higher Secondary Course (+2). Based on the said circular issued by the Director of Elementary Education dated 13.9.2011, this Court also, by order dated 2.7.2012 in W.P. Nos. 25432, 23895 and 29057 of 2011 (M.Valarmathi etc. etc. v. Government of Tamil Nadu represented by Secretary to Government, School Education Department & others), has held that a person having the qualification of Diploma in Teacher Education should be construed as a candidate having qualified the Higher Secondary Course (+2). Subsequent to the said order, this Court in W.P. Nos. 24495 to 24497 of 2012 dated 10.9.2012 (K.Chandrasekaran etc. etc., v. The Secretary to Government, School Education Department & others) has held that the two years Diploma in Teacher Training course undergone by a candidate after completing S.S.L.C.,

should be construed as equivalent to Higher Secondary Course (+2), on this basis, this Court held that all those candidates who have completed S.S.L.C., and two years diploma course in teacher training are also eligible for promotion to the post of B.T. Assistants based on their respective U.G. as well as B.Ed., degrees. That apart, one another order in W.P. No. 27563 of 2011 dated 4.10.2012 (N.Ramalingam v. The Director of Elementary Education and others) has followed the order passed by this Court in W.P. Nos. 25432, 23895 and 29057 of 2011 dated 2.7.2012.

4. On this basis, it was argued before this Court that the issue raised in the present writ petitions is no longer *res integra*, therefore, the prayer made by the petitioners should be accepted by giving a specific direction to the respondents to promote them as Tamil Pandits, Panchayat Union Middle Schools with a further direction to the respondents to fix their seniority over and above the petitioners immediate juniors.

5. A counter affidavit has been filed in W.P. No. 27560 of 2011 by the third respondent. Learned Additional Government Pleader appearing for the respondents submitted that the respondents have rightly denied the request of the petitioners to treat the Diploma in Teacher Education course as equivalent to Higher Secondary Course (+2). The reason is that there is no specific guideline for treating the Diploma in Teacher Education course as equivalent to Higher Secondary Course (+2).

6. The stand taken by the third respondent in the counter affidavit, as advocated by the learned Additional Government Pleader, is quite contrary to the circular issued by the Director of Elementary Education dated 13.9.2011 bearing Na.Ka.No.12118/T1/2011. *Prima facie*, the petitioners, after completing X standard during March, 1980 and March, 1986 respectively, acquired the Diploma in Teacher Education certificate on 16.12.86 and 27.7.88 respectively. With this qualification, the petitioners were appointed as Secondary Grade Teachers on 26.12.1989 in Panchayat Union Primary School, Pudhukalani and in Panchayat Union Primary School, Thenpalai respectively. Thereafter, they were promoted as Panchayat Union Primary School Headmasters on 28.6.2006 and 25.7.2007 respectively based on the seniority maintained in the post of Secondary Grade Teacher. Subsequently, the petitioners acquired the B.Litt., and M.A., M.Ed., and M.Phil degrees respectively on the basis of the qualification viz., Diploma in Teacher Education course. While so, the grievance of the petitioners is that their names should be included in the panel for promotion to the post of Tamil Pandits on the basis of the circular issued by the Director of Elementary Education dated 13.9.2011 bearing Na.Ka.No.12118/T1/2011. This Court, in W.P. Nos. 25432, 23895 and 29057 of 2011, by a detailed order dated 2.7.2012, relying upon the proceedings issued by the Director of Elementary Education dated 13.9.2011, has held that the Diploma in Teacher Education course should be treated as equivalent to Higher Secondary Course (+2). Therefore, the petitioners, who are coming under the 10+2+3 scheme, are eligible to be considered for further

promotion to the post of Tamil Pandits. While dealing with an identical and similar issue, this Court in W.P. Nos. 24495 to 24497 of 2012 dated 10.9.2012 (K.Chandrasekaran etc. etc., v. The Secretary to Government, School Education Department & others) has held as follows:-

"3. According to the petitioners, they did not study Higher Secondary Course (+2). The Teacher Training Course which they were (sic. had) undergone for two years after completing SSLC should be construed to be equivalent to Higher Secondary Course (+2). Therefore, according to the petitioners, they were also eligible for promotion as B.T. Assistants based on their respective U.G., as well as B.Ed., degrees."

One another order passed in W.P. No. 27563 of 2011 dated 4.10.2012 is also on similar lines.

7. In that view of the matter, as the issue raised by the petitioners is squarely covered by the order passed in W.P. Nos. 24495 to 24497 of 2012 dated 10.9.2012, the impugned orders passed by the second respondent refusing to include the names of the petitioners in the panel for promotion to the post of Tamil Pandits are set aside and the respondents are directed to promote the petitioners as Tamil Pandits, Panchayat Union Middle School and fix their seniority over and above the petitioners immediate juniors. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The writ petitions shall stand allowed. Consequently, M.P.Nos.1 of 2011 are closed. No costs.