
(2014) 07 MAD CK 0071

In the Madras High Court

Case No : W.P. (MD) No. 3869 of 2012 and M.P. (MD) Nos. 1 to 3 of 2012

S. Velammal

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 15-07-2014

Acts Referred:

Citation : (2014) 07 MAD CK 0071

Hon'ble Judges : S. Nagamuthu, J

Bench : Single Bench

Judgement

S. Nagamuthu, J.—The petitioner was working as Secondary Grade Teacher from 1988 onwards. Later on, she was promoted as Primary School Headmistress and posted in the Panchayat Union Elementary School, Kollangulam at Pappakudi Union, Tirunelveli District on 22.06.1998. She was transferred to the Panchayat Union Primary School at Arasankulam at Pappakudi Panchayat in Tirunelveli District on 02.06.2000. Accordingly, she was working in the said school as Primary School Headmistress. While she was in service, with the permission from the Department, she studied B.Lit. and M.A. Degree Courses through Correspondence Education, and obtained these two degrees. In view of the same, according to the petitioner, she is eligible for promotion to the post of Middle School Headmistress. As a matter of fact, in the panel prepared as on 01.01.2011, the petitioner was the senior-most. Subsequently, by order dated 16.12.2011, the Assistant Elementary Educational Officer, Pappakudi, Tirunelveli District, quoting G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009, removed her from the panel for promotion and denied promotion. Challenging the same, the petitioner is before this Court with this writ petition. The petitioner has also challenged the promotions given to her juniors overlooking her seniority.

2. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4 and perused the records carefully.

3. The only reason for removing the petitioner from the panel for promotion to the post of Middle School Headmistress as per the order of the Assistant Elementary Educational Officer, Pappakudi on 16.12.2011 was that, as per G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009, one should have studied Plus-Two course before joining the Undergraduate Course. In this case, the petitioner had not studied Plus-Two at all before she joined B.Lit. Course. Thus, according to the respondents, the petitioner is not eligible for promotion, as the degrees obtained by her, ie., B.Lit. and M.A., cannot be considered for promotion since the petitioner had not studied Plus-Two Course.

4. In my considered opinion, the said stand cannot be accepted. This issue came up for consideration on several occasions before this Court as to whether the degree obtained without doing Plus-Two Course will be valid for the purpose of promotion. While considering the said issue, in a number of writ petitions, this Court had taken a consistent view that doing Diploma in Teacher Education will be treated equivalent to Plus-Two Course. Here in this case also, the petitioner had studied Diploma in Teacher Education before joining B.Lit. Course. In this regard, I may refer to a common order passed in a batch of writ petitions, in W.P. (MD)Nos.10616 to 10618 of 2011 dated 03.10.2013, in K.Raghavan vs. The State of Tamil Nadu, rep. by its Secretary, Department of School Education, Fort St.George, Chennai and others, wherein this Court, relying on the earlier decisions of this Court, took a view that such candidate who has studied Undergraduate Course without doing Plus-Two Course, but after having studied Diploma in Teacher Education, will be eligible for promotion, provided the candidate is otherwise eligible. In the case on hand, the only reason stated for removing the petitioner from the panel for promotion is that she did not study Plus-Two Course before joining B.Lit. Course. This reason cannot be accepted in view of the above settled position of law. Therefore, I hold that the petitioner is entitled for promotion as Middle School Headmistress from the date on which her immediate juniors were promoted as per the panel prepared as on 01.01.2011. Since I am issuing a direction for promotion of the petitioner at par with her juniors, in my considered opinion, there is no need to interfere with the promotion of the respondents 5 to 8.

5. In view of the above, the writ petition is allowed. The respondents 2 to 4 are directed to promote the petitioner as Middle School Headmistress from the date on which her immediate juniors were promoted as per the panel for promotion prepared as on 01.01.2011, and give all monetary benefits including continuity of service in the promoted post. Such consequential order shall be passed within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.