

(2011) 11 MAD CK 0230

In the Madras High Court

Case No : Writ Petition No. 15835 of 2011 and M.P. No. 1 of 2011

T. Ravichandran

APPELLANT

Vs

The Director Elementary Education, D.P.I. Compound, College Road, Chennai-600006, The District Elementary Educational Officer, Cuddalore and The Additional Assistant Elementary Educational Officer, Virudhachalam Panchayat Union, Cuddalore District

RESPONDENT

Date of Decision : 29-11-2011

Acts Referred:

Citation : (2011) 11 MAD CK 0230

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : T. Sellapandian, for the Appellant; V. Subbiah, Special Government Pleader, for the Respondent

Judgement

Honourable Mr. Justice D. Hariparanthaman

1. This petition has been filed by the petitioner praying for a direction to the respondents to include the name of the petitioner for promotion to the post of Middle School Headmaster in the panel for the year 2011 in Virudhachalam Panchayat Union, Cuddalore District and consequently to promote him as Middle School Headmaster.

2. The petitioner failed in +2 examination during April 1983. Thereafter, he underwent foundation course conducted by the Madras University. Then, he joined in Diploma in Teacher Education and completed on 16.12.1986. Based on the same, he was appointed as Secondary Grade Teacher on 17.06.1991. Thereafter, he acquired B.Lit., degree and also B.Ed., degree during 1994 and 1996 respectively. Also, he acquired M.A.(Tamil) in the year 1998 and M.Ed., degree in the year 2000. He was promoted as Elementary School Headmaster on 16.04.2004. He was also promoted as Tamil Pandit in the cadre of B.T.Assistant on 04.09.2008.

3. While so, the third respondent issued a seniority list dated 10.05.2011 of feeder categories, fit for promotion for the post of Middle School Headmaster. But, the name of the petitioner was not included in the said seniority list. Therefore, he made a representation dated 07.06.2011 to include his name in the said list, but, the same was not considered by the respondents. Thereafter, the second respondent prepared the panel dated 09.06.2011 for promotion to the post of Middle School Headmaster and the name of the petitioner was not included therein. According to the petitioner, he was orally informed that in view of G.O.Ms.No.107, dated 18.08.2009, he was not included in the panel since he obtained degree through Open University System without passing +2 examinations.

4. Heard the Learned Counsel for the petitioner and the learned Special Government Pleader for the respondents.

5. According to the Learned Counsel for the petitioner, the said Government Order is not applicable to the petitioner. At the time of appointment in the year 1991, he was qualified to hold the post of Secondary Grade Teacher, for which one should have passed +2. Furthermore, he was promoted as Elementary School Headmaster as well as Tamil Pandit, in the cadre of B.T.Assistant. Therefore, the said Government Order could not be applied in his case. It is also the case of the petitioner that since he underwent foundation course conducted by the Madras University, the same should be taken, as the petitioner passed +2 examinations. It is further submitted that he underwent +2 course, but, he failed and thereafter, he underwent foundation course in the Madras University. Therefore, he has to be included in the panel.

6. In my view, the submissions made by the Learned Counsel for the petitioner are well founded. However, there is no counter affidavit filed by the respondents.

7. In these circumstances, the second respondent is directed to consider and dispose of the representation dated 07.06.2011 of the petitioner, taking note of the aforesaid facts and pass orders, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

The writ petition is disposed of with the above observation and direction. No costs.