

A.Ramathilagam Vs. Director of Elementary Education

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Court : Chennai

Decided On : Jan-30-2013

Judge : D.Hariparanthaman

Appellant : A.Ramathilagam

Respondent : Director of Elementary Education

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED:

30. 01.2013 CORAM THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN
W.P.No.16782 of 2012 A.Ramathilagam ... Petitioner Vs. 1.The Director of
Elementary Education, D.P.I. Campus, College Road, Chenna

006. 2.The District Elementary Educational Officer, Nagapattinam, Nagapattinam
District. 3.The Assistant Elementary Educational Officer, Office of the Assistant
Elementary Education, Keezavellur, Keezhvellur Union, Nagapattinam District. ...
Respondents PRAYER: Writ Petition filed under Article 226 of Constitution of India
praying to issue Writ of certiorarified mandamus as stated therein. For Petitioner :
Mr.V.Kasinatha Bharathi For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP
O R D E R The petitioner seeks for issuance of writ of certiorarified mandamus to
quash the proceedings passed by the first respondent / the Director of Elementary
Education, Chennai, in Na.ka.No.9502/D1/2012, dated 27.06.2012, subsequent
orders passed by the second respondent / The District Elementary Educational
Officer, Nagapattinam, in Na.Ka.No.2622/A2/A4/2012, dated 27.06.2012 and the

consequential order passed by the third respondent in Na.Ka.No.595/A1/2012, dated 27.06.2012, insofar as the petitioner is concerned and consequently, to direct the respondents 2 and 3 to promote the petitioner as a Middle School Head Master.

2. The petitioner is a Headmaster in Elementary School at Keezhvellur Union, Nagapattinam District. The next avenue of promotion is Headmaster of Middle School.

3. A panel dated 01.01.2012 of Elementary School Headmaster fit for promotion to the post of Middle School Headmaster was prepared by the third respondent. In the said panel, the petitioner ranks at No.1 4. When the counseling for promotion to the post of Middle School Headmaster took place on 27.06.2012, the petitioner was not considered for promotion to the post of Middle School Headmaster by the first respondent in his proceedings dated 27.06.2012, on the ground that she is in possession of one year degree course certificate.

5. The petitioner has filed the present writ petition with the aforesaid prayer.

6. A counter affidavit is filed by the respondents refuting the allegations levelled in the affidavit filed in support of the writ petition.

7. Heard both sides.

8. It is not in dispute that one should possess three years degree certificate for promotion to the post of Middle School Headmaster from the post of B.T. Assistant. If the candidates are having one year degree course certificate, they are not entitled to be considered for promotion.

9. The first respondent in his proceedings dated 27.06.2012 states that the candidates with one year degree course certificate cannot be considered for promotion. Relevant portion of the said order of the first respondent is extracted hereunder: "ghh;itapy; fhQqk; brd;id cah;ePjpkd;w jPh;g;ghizapy;. "while conducting counseling for promotion to the post of B.T. Assistants, are bound to verify whether the candidates appearing for counselling is having Three Years Degree Certificate or Double Degree (One Year Course) Certificate. If the

candidates are having One Year Degree Course Certificate, they are not entitled to be considered for promotion, pending further orders" vd ,ilf;fhy jPh;ghiz tH';fg;l;Ljs;sjhy;. eilbgwt[s;s 2012-2013 Mk; fy;tp Mz;ow;fhd Mrphpah; bghJ khWjy; kw;Wk; gjtp cah;t[fye;jha;tpy; brd;id cah;ePjpkd;w ,ilf;fhyj; jPh;g;ghizapidj; jtwky; eilKiwg;gLj;jpl midj;J khtl;l; bjhlf;ff; fy;tp mYtyh;fSk; nfl;Lf;bfs;sg;gLfpwhh;fs;/ 10. Based on the aforesaid proceedings of the first respondent, the respondents 2 and 3 refused to consider the petitioner for promotion to the post of Middle School Headmaster.

11. No doubt it is true that if the petitioner does not possess the required qualification of Three Years Degree Certificate, the respondents are right in denying the promotion to the petitioner. But, on the other hand, it is the categorical case of the petitioner that she is in possession of Three Years Degree Certificate. Ground (b) of the affidavit filed in support of the writ petition states thus: "(b) The 2nd and 3rd respondent failed to consider that the petitioner has obtained B.A. Degree in English, which is 3 year Course and correspondence course conducted by the Madras University." 12. On the other hand, it is seen from the counter affidavit filed by the respondents that the petitioner was not given promotion based on the proceedings passed by the first respondent dated 27.06.2012, which is in terms of the order passed by this Court. The assertion made in Ground (b) is not denied in the counter affidavit.

13. In this case, the petitioner has passed 3 years degree course and she has also enclosed a copy of the certificate issued by the Madras University in the typed set of papers. Hence, I am of the view that the respondents 2 and 3 are not correct in denying the promotion to the petitioner.

14. Accordingly, the proceedings dated 27.06.2012 passed by the respondents 2 and 3, in this regard, are set aside. The respondents 2 and 3 are directed to give promotion to the petitioner as Middle School Headmaster from the date on which his immediate junior was promoted, with all consequential benefits. The respondents 2 and 3 are directed to complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order.

15. With the aforesaid observations, the writ petition is allowed. No Costs.
30.01.2013 Index: yes/no Internet: yes/no rkm Note to office: Issue order copy on
or before 05.02.2013 To 1.The Director of Elementary Education, D.P.I. Campus,
College Road, Chenna

006. 2.The District Elementary Educational Officer, Nagapattinam, Nagapattinam
District. 3.The Assistant Elementary Educational Officer, Office of the Assistant
Elementary Education, Keezavellur, Keezhvellur Union, Nagapattinam District.
D.HARIPARANTHAMAN, J.

Rkm W.P.No.16782 o

30. 01.2013

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